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House of Representatives

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God of all grace, be with us now and until the end.

You know each of the Members of this House. You have given each different gifts; that together they may achieve Your purpose and bring about liberty and justice for all.

You have called them forth from different places and assembled them in this Chamber to serve this great Nation and shape its future.

Give them vision rooted in faith, attentive listening to the needs of the times, and discerning hearts to make right judgments.

God of all grace, be with us now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Wisconsin (Mr. SENSENBRENNER) come forward and lead the House in the Pledge of Allegiance.

Mr. SENSENBRENNER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 2780. An act to authorize the Attorney General to provide grants for organizations to find missing adults.

H.R. 4404. An act to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes.

H.R. 4957. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

H.R. 5083. An act to extend the authority of the Los Angeles Unified School District to use certain park lands in the City of South Gate, California, which were acquired with amounts provided from the land and water conservation fund, for elementary school purposes.

NOTICE—OCTOBER 23, 2000

A final issue of the Congressional Record for the 106th Congress, 2d Session, will be published on November 29, 2000, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through November 28. The final issue will be dated November 29, 2000, and will be delivered on Friday, December 1, 2000.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at ''Records@Reporters''.

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerkhouse.house.gov. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, signed manuscript. Deliver statements to the Official Reporters in Room HT–60.

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By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman.*

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Printed on recycled paper.

H.R. 5157. An act to amend title 44, United States Code, to ensure preservation of the records of the Freedmen's Bureau.

H.R. 5331. An act to authorize the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill and a joint resolution of the House of the following titles:

H.R. 4940. An act to designate the museum operated by the Secretary of Energy in Oak Ridge, Tennessee, as the ''American Museum of Science and Energy'', and for other purposes.

H.J. Res. 102. Joint resolution recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 4868) ''An Act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.''

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1880. An act to amend the Public Health Service Act to improve the health of minority individuals.

S. 3045. An act to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes.

S. Con. Res. 156. Concurrent resolution to make a correction in the enrollment of the bill S. 1474.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 768) ''An Act to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States.''

PRIVATE CALENDAR

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the order of the House of Thursday, October 26, 2000, this is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

WEI JINGSHENG

The Clerk called the Senate bill (S. 11) for the relief of Wei Jingsheng.

There being no objection, the Clerk read the Senate bill as follows:

S. 11

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

(a) SHORT TITLE.—This Act may be cited as the ''Wei Jingsheng Freedom of Conscience Act''.

(b) Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Wei Jingsheng shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Wei Jingsheng as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by one during the current fiscal year the total number of immigrant visas available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARINA KHALINA

The Clerk called the Senate bill (S. 150) for the relief of Marina Khalina and her son, Albert Miftakhov.

There being no objection, the Clerk read the Senate bill as follows:

S. 150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Marina Khalina and her son, Albert Miftakhov, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Marina Khalina and her son, Albert Miftakhov, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALEXANDRE MALOFIENKO

The Clerk called the Senate bill (S. 199) for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Senate bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

SERGIO LOZANO

The Clerk called the Senate bill (S. 276) for the relief of Sergio Lozano.

There being no objection, the Clerk read the Senate bill as follows:

S. 276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR SERGIO LOZANO.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Sergio Lozano shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Sergio Lozano enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Sergio Lozano, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANCIS SCHOCHENMAIER

The Clerk called the Senate bill (S. 785) for the relief of Francis Schochenmaier and Mary Hudson.

There being no objection, the Clerk read the Senate bill as follows:

S. 785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELIEF OF FRANCES SCHOCHENMAIER.

The Secretary of the Treasury shall pay, out of any moneys in the Treasury not otherwise appropriated, to Frances Schochenmaier of Bonesteel, South Dakota, the sum of $60,567.58 in compensation for the erroneous underpayment to Herman Schochenmaier, husband of Frances Schochenmaier, during the period from September 1945 to March 1995, of compensation and other benefits relating to a service-connected disability incurred by Herman Schochenmaier during military service in World War II.

SEC. 2. RELIEF OF MARY HUDSON.

Notwithstanding section 5121(a) of title 38, United States Code, or any other provision of

law, the Secretary of Veterans Affairs shall not recover from the estate of Wallace Hudson, formerly of Russellville, Alabama, or from Mary Hudson, the surviving spouse of Wallace Hudson, the sum of $97,253 paid to Wallace Hudson for compensation and other benefits relating to a service-connected disability incurred by Wallace Hudson during active military service in World War II, which payment was mailed by the Secretary to Wallace Hudson in January 2000 but was delivered after Wallace Hudson's death.

SEC. 3. LIMITATION ON FEES.

(a) IN GENERAL.—Not more than a total of 10 percent of the payment required by section 1 or retained under section 2 may be paid to or received by agents or attorneys for services rendered in connection with obtaining or retaining such payment, as the case may be, any contract to the contrary notwithstanding.

(b) VIOLATION.—Any person who violates subsection (a) shall be fined not more than $1,000.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MINA VAHEDI NOTASH

The Clerk called the Senate bill (S. 869) for the relief of Mina Vahedi Notash.

There being no objection, the Clerk read the Senate bill as follows:

S. 869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR MINA VAHEDI NOTASH.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Mina Vahedi Notash shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Mina Vahedi Notash enters the United States before the filing deadline specified in subsection (c), he or she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Mina Vahedi Notash, the Secretary of State shall instruct the proper officer to reduce by 4, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELIZABETH EKA BASSEY

The Clerk called the Senate bill (S. 1078) for the relief of Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey.

There being no objection, the Clerk read the Senate bill as follows:

S. 1078

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JACQUELINE SALINAS

The Clerk called the Senate bill (S. 1513) for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas.

There being no objection, the Clerk read the Senate bill as follows:

S. 1513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF VISAS.

Upon the granting of permanent residence to Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GUY TAYLOR

The Clerk called the Senate bill (S. 2000) for the relief of Guy Taylor.

There being no objection, the Clerk read the Senate bill as follows:

S. 2000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR GUY TAYLOR.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Guy Taylor shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Guy Taylor enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Guy Taylor, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TONY LARA

The Clerk called the Senate bill (S. 2002) for the relief of Tony Lara.

There being no objection, the Clerk read the Senate bill as follows:

S. 2002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR TONY LARA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Tony Lara shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Tony Lara enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Tony Lara, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MALIA MILLER

The Clerk called the Senate bill (S. 2019) for the relief of Malia Miller.

There being no objection, the Clerk read the Senate bill as follows:

S. 2019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR MALIA MILLER.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Malia Miller shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Malia Miller enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Malia Miller, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSE GUADALUPE TELLEZ PINALES

The Clerk called the Senate bill (S. 2289) for the relief of Jose Guadalupe Tellez Pinales.

There being no objection, the Clerk read the Senate bill as follows:

S. 2289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Jose Guadalupe Tellez Pinales shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the private bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.J. Res. 117, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the provisions of House Resolution 646, I call up the joint resolution (H.J. Res. 117) making further continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 117 is as follows:

H.J. RES. 117

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting ''October 28, 2000''.

The SPEAKER pro tempore. Pursuant to House Resolution 646, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just point out that this is another one of those 1-day continuing resolutions.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, ''Groundhog Day.'' That is what it feels like to me. Last night, almost the last bit of business we did, we passed a 1-day resolution continuing the government. This morning, because there is obviously not much to do on the floor, we have an early motion to again continue the government for another day. This is ''Groundhog Day.''

How many times have we gone through this now? Is this the seventh time? I frankly have forgotten.

Mr. YOUNG of Florida. If the gentleman will yield, I believe this is the third 1-day CR, the seventh overall.

Mr. OBEY. The fifth one. All right. I want to make it clear that I think that the gentleman from Florida has done everything he possibly could to exercise his responsibilities in a responsible manner. And I think that his counterpart in the other body, the gentleman from Alaska, has also done everything he could to live up to his responsibilities. The problem is that they have been under orders from their leadership since day one of this session to peddle a national fiction. And that fiction has been that this Congress was going to spend about $40 billion less than it actually intended to spend. And now having spent 10 months passing bills out of this Chamber that the other side knew were fictions, last week we finally came to fess-up time and last week this House voted to raise the allowable spending levels by about $40 billion. We have been trying to negotiate our remaining differences. We thought 2 days ago that we were very close to closing our differences on the Commerce-Justice bill.

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But then, for some reason, the leadership decided to throw away a day yesterday. So, despite the fact they were told the President would veto the bill that the House intended to send to him, they decided to ram it at him again one last time.

The issues that divide us on that bill are five:

First of all, a bill which is supposed to protect our precious coastal land areas from environmental degradation, instead has been turned into a bill which would allow you, literally, to build oil refineries on the sea coast, on the beaches, in the sensitive coastal areas in any State in the Union except Alaska. I am sorry, it would allow it in

Alaska too. What it would not allow in Alaska is to have any Federal money spent to deal with the sensitive issue of coastal zone protection. So that is one anti-public interest problem with that bill.

The second is that it also contained language which pretended to do something to assure Americans' privacy on the Internet, but in fact opened up holes big enough to drive 65 foot trucks through. There were 20 of our friends on that side of the aisle who voted with us yesterday against that bill, and some of them indicated that that was the reason, and I salute them for it.

Then the third issue dividing us on that bill is the question of whether or not we are going to treat immigrants who have been in this country for years equally if they come from countries like El Salvador, as opposed to whether they come from Nicaragua.

One Member stood on the floor yesterday and defended the different way we treat those souls by saying in effect, well, it is different if they fled Central America coming from Nicaragua because they were a communist dictatorship, it is different than if they fled Central America to run away from a right-wing dictatorship that we had in El Salvador at the time.

I remember that right-wing dictatorship. I remember when there were officials going on television and fingering our own ambassador for assassination. The stories have now come out about how General Vides Casanova and others lied through their teeth to every Congressional delegation that went down there, and lied through their teeth to the press, to their own society, and had full knowledge of the assassinations of Salvadorean citizens that were occurring at the hand of that government and that military.

There are some advantages to having been around here for a fair amount of time, because you remember those things, and you take certain lessons from them, and the lesson that I take from that is that if we are to show mercy to people who are in flight from despotic governments, that mercy ought to be even-handed, because you are just as dead if you are killed or assassinated by a right-wing militia as you are if you are assassinated by a left-wing militia. We have seen too much of both in that region. We have got one left that we want to get rid of, and we all know who it is. I do not mean in terms of getting rid of the human being; I mean getting rid of him in occupying the power that he now holds.

Then we have another problem with that bill. That problem is that our Federal Treasury has expended billions of dollars over the past generation paying the costs that have been incurred by American taxpayers because of what tobacco products have done to American veterans and to Americans who are now senior citizens. That has cost Medicare and Medicaid billions of dollars, and yet there is language in the State-Justice bill which says that not one dime of funding in that bill can be used to pursue in court redress against an industry that lied to the public and lied to the Congress about the effect of their product.

I am one of those people who used cigarettes. I used to smoke three packs a day, at the same time that I worked with asbestos. I did not know, but the company did, that asbestos caused cancer, and I did not know that there was a synergistic effect between asbestos and tobacco, which meant that you have probably a four or five times greater chance of getting mesothelioma or lung cancer, one of the two, one of which our former colleague, Mr. Vento, just died from, there was that much greater chance of dying if you used cigarettes and were exposed to asbestos.

Johns Manville knew since 1939 what the problem was on asbestos, and the tobacco companies have known for a long time what the tobacco problem is, and yet the only dollar difference that we had in that bill yesterday between the majority and the minority was whether or not we ought to be able to appropriate a tiny amount of money to pay for the lawsuit that could have the possibility of bringing billions of dollars into the Federal Treasury to help us defray those costs. So the one thing that could have helped increase our surplus, out of all of the things we were doing yesterday, that was knocked out of the bill.

Then you get to our differences on Labor-HHS and Education. There we have an argument about what the spending levels ought to be for education. This Congress has spent billions of dollars above what the President has asked in a variety of areas. Some of that I think is defensible, and some is not. But we are now being told, sorry, we are not going to put one dime above what we have already put in the education bill to meet your additional requirements for education. That is what we are being told. So we continue to have an argument about what level of funding we ought to have for special education, for teacher training, for smaller class size initiatives, for school modernization, for Pell and a number of other issues.

Then we have the issue that the President is trying to get attended to by this Congress on the issue of school construction as opposed to modernization. There we have a $125 billion backlog. The President is trying to attack 20 percent of that backlog, and so far he is meeting resistance.

Then we have the issue of whether or not workers are going to be protected from the dangers associated with repetitive motion injury in the workplace, the single most expensive problem in American industry today, the lost time and the costs associated with repetitive motion industries.

This is despite the fact that this committee, the Committee on Appropriations, passed out to the House last year and the House adopted legislation which promised that we would not again delay the efforts of OSHA to promulgate the regulation to protect those American workers. Despite that promise in writing, this House welched on that promise. It is trying to bar going ahead with that provision.

Then we have several other issues that still divide us. On that score, the House sent the President a tax bill yesterday which was doomed from the start. It was a blind alley piece of legislation, because the President said he is going to veto it, because far too many of the benefits, again, go to the cream, the folks at the top layers, and all too few of those dollars go to low income people, and the minimum wage hike is being held ransom to many of those rewards.

There are a lot of items in that tax bill I do not have any objection to, but there are some that are outrageous. And that bill is a Trojan horse. It is a Trojan horse.

So, we are stuck here, passing these one day resolutions, because this House still refuses to come to a compromise mode and work out differences with the White House. So we have no choice but to pass this resolution. But I thought it was important before we relinquished the floor on this issue to summarize what the main issues are, and the main issue on the appropriations side as I see it is still education, education, education.

Here I think we have something interesting going on in the country. We have a stealth campaign being run by the other side. This is a Congress under the leadership of our friends on the other side, this is a Congress which over the last 5 years has tried to cut presidential budgets for education by $13.5 billion. Lest you say, oh, we are just talking about increases, they also tried to cut the education budget below previous years' spending levels by over $5.5 billion. On four different occasions they tried to make those cuts in existing spending levels for education.

Now, because the polls show that education is an important issue, all of a sudden they have got a presidential candidate out there who is sort of a Trojan horse, who puts a benign face on the party, in hopes that people will look at that genial smile, rather than looking at the record of his fellow party members in this institution over the past 5 years.

I think the fight we are having on education now dramatizes, once again, what you folks on the other side of the aisle would really do if you had full power to govern. I think the last 6 years, in terms of you are trying to abolish the Department of Education, in terms of you are trying to cut back on education funding, in terms of you are trying to squeeze every opportunity you could out of the session to pass anti-environmental riders on appropriation bills, it is clear to me that that is what your road map is, long-term.

So we are not fighting here about a day or two or three; we are continuing to try to fight for the priorities that we think are important to meet the needs of the American people. We are going to have more than 1 million additional kids in schools over the next decade. We are not doing enough about it. That is what we are trying to correct. And as soon as the majority recognizes that the President is serious on this issue, we may finally have a resolution of those issues.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me time, and I thank him for the points that he raised, both about the legislation yesterday and the Commerce-State-Justice bill, which I join him in urging the President to veto.

As one who represents a coastal state whose district is on the edge of San Francisco bay, it is a tragedy that that legislation did not provide the funding necessary so that we can implement our Coastal Zone Management Plan to deal with non-point source pollution, the runoff that comes from our cities, our farmlands, from the logging areas upstream, that are devastating water quality in our rivers, in our bays, and along our coast.

Last year, California had beach closures over 3,000 times, some as long 6 to 12 weeks, and a few that were in fact permanent. The impact of that on our economy and tourism is the same kind of impact where they have had that kind of situation along the East Coast, where beaches have had to be closed because of water quality.

The single biggest polluter at this point is non-pointed source pollution, the runoff, whether it is the Chesapeake Bay or Santa Monica Bay or the Gulf of Mexico, where that runoff is collected in the Mississippi River, sent down to the Gulf of Mexico and has created a dead zone in the Gulf of Mexico that is thousands of square miles, where simply life cannot live in those sections of the Gulf of Mexico.

0930

I would hope that the President would veto that.

The gentleman also mentioned immigrants. I find it rather interesting on the front page of the Business section of the Washington Post, it says ''Sweet Harvest for Virginia's Vintners'', for the wine industry in Virginia, a Sweet Harvest.

When we open up the paper on the inside and we see who is harvesting those grapes, it is Gerardo Chavez. Gerardo Chavez is harvesting those grapes. Yet the other side decided that they were not going to provide for the fair treatment of immigrants; they were going to distinguish between those people who came here from Cuba and Nicaragua and El Salvador.

The gentleman quite correctly points out, we now see that they were fleeing governments in El Salvador that not only were involved with fingering, and we were involved with fingering El Salvadorans citizens who then disappeared, were tortured and killed, but now, of course, we see the direct relationship between their involvement and the killing of the religious women from America.

Those families have had to live with that tragedy now for over a decade as we have tried to get to the bottom of that case. And it turns out now, of course, high Salvadoran officials and the security police and armed forces knew about that and covered it up all of those years. That is the government that these people were fleeing.

Many of those people who fled those governments now are working very hard in the American economy and, yet, we are going to deny them the rights to try to provide for legal and permanent residency and give them the right to prove their situation, rather than send them off back to the country and let them try to prove that from overseas. That treatment of immigrants is inexcusable.

We could not run the economy of this country for a day if the immigrants decided to sit down. We could not run the economy of California for 5 minutes if the immigrants did not show up for work, whether it is our tourism economy, whether it is our agricultural economy, whether it is our manufacturing economy, that is the simple fact of the matter. We ought to start dealing with these people in a fair and equitable fashion.

The gentleman also mentioned the continued attack. Many times people ask, what are we arguing over? What is it? We are just bickering. We are just arguing back and forth. This is about whether or not people who go to the workplace will be protected from damages to their nerves and to their muscles and to the skeletal system from the repetitive motion in the workplace.

We are all familiar with this. Members of Congress are familiar with this. Flight attendants now wear braces on their wrists and on their arms and on their hands because of repetitive motion. The checkers in the supermarket wear braces on their hands and their elbows because of repetitive motion.

If we go to Home Depot, we will see people wearing back braces to try to prevent repetitive motion. We will see people wearing braces on their hands, machine operators, lathe operators, people who go to work everyday and work very hard, and, yet, the Republicans are absolutely committed to not letting those regulations go in place, that not only will save those companies millions and millions of dollars in worker's compensation claims, but it will extend these individuals work lives so they can provide for their families so they will not have to take a job that pays them less, or they will not have to leave the workforce and live on disability.

Yet, in spite of what the gentleman from Wisconsin (Mr. OBEY) pointed out, in spite of the written promises, they are reneging on that, and they are fighting the President on that matter.

We are staying here for very real reasons that impact American's families, whether it is the kind of schools that their children go to and the failure to provide some help for those districts that want to construct schools but may not have the resources to do it, to provide them some interest breaks on those bonds so they can construct those schools.

Because the evidence is very clear, you can take a child from almost any economic or socioeconomic setting, from any background, and you put them with the first-class qualified teacher, with a first-class curriculum and in a first class school, and they learn like just about anyone else. We ought to, in fact, make sure that we can carry that out.

These fights are real, but they are about the future of the American family. It is about whether or not Medicare is going to be there for them, or whether or not we are simply going to reimburse the HMOs and the insurance companies that overpromised and failed to deliver to the senior citizens or those that just simply closed up shop and left hundreds of thousands of senior citizens in different regions of the country without a health care plan.

Let us remember what the original plan was. The original plan by the Republicans was if we joined an HMO, a Medicare HMO, we could not come back to the regular system. We almost shut the government down over that debate, but we prevailed and President Clinton prevailed to make sure that senior citizens that went to an HMO if it did not serve their needs could come back to the Medicare system.

If that law that they wanted then, that we fought and extended to Congress over, was in place, those people would be with no health care, no Medicare, because they would have chosen to go into a system that turned out to be a fly-by-night operation.

I just have one question to the gentleman from Wisconsin (Mr. OBEY). Continuing resolutions, this one for 24 hours or for 48 hours, we had one a few days ago for 4 days, the last continuing resolution was for 4 days and everybody went home. I thought continuing resolutions were supposed to be the President gave us some additional time to get the work done.

People are saying now that we are going to pass these continuing resolutions and people are going to go home again. I just do not understand how we go forward with these kinds of continuing resolutions that basically enable everyone to go home. I would hope that we would take that into consideration as Members vote on this CR.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to say to the gentleman from California (Mr. GEORGE MILLER), who just left the well, that we are doing 1-day CRs because

the President of the United States has told us that he would not sign anything other than a 1-day CR; so that is their decision.

We understand the power of the Presidency, and so we are prepared to accommodate that.

Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the Committee on Appropriations.

Mr. CUNNINGHAM. Mr. Speaker, I do not think our side was even going to talk on this. The partisan bickering, the rancoring that goes on here, I think that the American public can see what we are facing from our colleagues on the other side. They want to stay, all right. They want to stay not over policy, but for politics.

Do you know what I am most resentful about? That the other side and the last few speakers that talked about said that Democrats are the only ones that really care about education. The Democrats say they are the only ones that really care about school construction or Medicare or Medicaid or prescription drugs.

I worked most of my life here on this House floor. I fight, every ounce of my survival, to make sure that those issues are taken care of, not only for our children, but for our seniors as well.

The gentleman from Illinois (Mr. HASTERT), the Speaker of the House, is a teacher and a coach. In his heart and in his mind and in his soul, he cares deeply about education.

I was a teacher and a coach both in high school and in college. It is one of the main focuses that I have. And for the other side to say that, we are so mean and rotten because of our policies. Well, let me tell you what the politics of this are. We will stay and fight for education. We will stay and fight for prescription drugs and for our seniors and health care.

I will not allow the other side to mislead, for example, on school construction. We could have school construction today. Our schools are crumbling. For 30 years, they had control of the education process. What is the outcome? We have some very good teachers and very good schools, which I am very fortunate in my district to have, in North San Diego County.

I have been to teacher awards, but across this Nation, we are last in math and science. That is a crime.

Mr. Speaker, we have to hire outside people with Ph.D.s to come in to our country to take over high-level and high-tech jobs because we do not have enough Ph.D.s; that is a crime.

But my colleagues on the other side would rather cater to the unions than to come out with education dollars.

Let me give you an idea. Why do you think they want school construction out of Federal dollars? Their campaigns are loaded with union boss money. I was in 18 districts over the last 3 months, the minimum amount that the unions had put against any one of those candidates was a million dollars. They do not want to give up that lifeblood.

School construction out of Federal dollars falls under Davis-Bacon, the union or the prevailing wage, that costs about between 15 percent to 35 percent more for those States that have it. Let us waive Davis-Bacon just for school construction. Let us let the schools keep that money and build more schools or teacher training or teacher pay or class-size reduction.

But do you think my colleagues would do that? Absolutely not. We had it on the D.C. bill. Do you care about children? Do you care about schools, or do you care about your union bosses?

Well, I think it is very evident, because they will not. They know that many Republicans have union districts. When we bring it to a vote, we lose it because of the unions.

''The power,'' they talk about campaign finance reform; what a joke. What a joke.

I ran out of time the other day on education. But just like Goals 2000, they wanted the power for education to reside here in Washington, D.C. Goals 2000 is a good example.

There are 14 wills in the previous bill. A will for a lawyer means you will do this. One of those wills, you have to establish boards to see if you fall in the guidelines of Goals 2000. They say it is only voluntary, but only if you want the money.

Well, you establish a board to see if you are within the guidelines, then they send it to the regular Board of Education. The board sends it to the principal. The principal sends it to the superintendent. Then you have to send all of that paperwork, hours of labor, to Sacramento, CA.

Now, think about all the schools in California. Sending all of that paperwork to Sacramento. Think of the bureaucracy you have to have in Sacramento just to go through the paperwork. Then where do they send it? They send it back here to the Department of Education.

Now, think about all the schools in the United States sending all of that paperwork back here to the Department of Education. Think of the bureaucracy that they have to have back here. Then there is paperwork flow back and forth.

And so what happens? We get less money for education because of the bureaucrats in Washington, DC, because of the rules and the regulations. Federal education only covers about 7 percent of the funding, but it controls much of the funding from the State and local districts, and that is what my colleagues want.

They want government control of education, government control of private property. You want government control of health care. You want government to control everything. Not mean-spirited, that is what you believe. We believe in people, and we are willing to stay here and fight for people of this country and have the rights of choice decisions for theirselves.

Yes, we will stay back and fight, Mr. Speaker. We will fight for the people, not the union bosses.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members are reminded that remarks in debate should be addressed to the Chair and not to others in the second person or by name.

Members are further reminded that they are to refrain from the use of profanity in debate.

Mr. OBEY. Mr. Speaker, I yield myself 1¼ minutes.

Mr. Speaker, there is nothing partisan about citing the record. The public needs to know if there are any real differences between us, and I think I cited those differences without rancor and with accuracy and without questioning motives.

Mr. Speaker, let me simply say that I do find three things strange.

Our friends on the majority side brag about the fact that they raised education 50 percent during the time they have controlled the Congress, that is only because we defeated them in their efforts to cut education by huge amounts. We eventually forced them to add $15 billion back to education spending.

On prescription drugs, they say they are for prescription drugs. But the record demonstrates they have been trying for a year to block a comprehensive benefit under Medicare and would target their package only to those at the near poverty level.

As far as the patients' bill of rights is concerned, their Presidential candidate claimed that he had been in support of the patients' bill of rights when, in fact, as Governor of Texas, he vetoed it, and then the second time around, when his tail feathers were being singed by public opinion, he let it become law without his signature.

Mr. Speaker, I think the record is clear on the divisions that are keeping us here.

Mr. Speaker, I yield the balance of my time to the gentleman from Missouri (Mr. GEPHARDT), the distinguished Minority Leader.

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

0945

Mr. GEPHARDT. Mr. Speaker, I rise in support of this continuing resolution, our seventh in 5 weeks. But I deeply regret that we have reached this point. We should never have found ourselves in the mess that we are in, and we must stay here and work each day until we complete the business required by the law and for the American people.

Let us do the rare thing and come together in a bipartisan fashion to accomplish some meaningful things for the American people. Let us stop closed-door partisan meetings. No more sending up bills at 7 a.m. with only a few hours for review.

No more tax breaks for special interests and lopsided bills that we know the President will not sign.

There is a list of missed opportunities in this Congress. Republicans killed the bipartisan hate crimes law supported by large majorities of both houses. They support the pharmaceutical companies by refusing to let us even vote on a bill that puts prescription drug benefits in the reliable world of Medicare. Partisan tax packages are put together without consultation or negotiation with the President or Democrats in Congress.

Just yesterday, Republicans brought up a tax package that gave a lot to the HMOs and not enough to patients, people, hospitals, nursing homes, and home health care agencies.

Minimum wage increases are put in bills that give maximum benefit to special interest. And this week, Republicans tried to give more tax help to wealthy bondholders through school construction bonds that do not give public schools the incentives or the help they need to modernize their schools.

So we have amassed a record of partisanship with virtually no accomplishments. We still have time in the few remaining days of this session to work until the last hour of the last day. We can pass the Latino and Immigrant Fairness Act. We can pass the bipartisan hate crimes bill. We can pass a school construction credit that will really help local districts relieve the burden on local property taxpayers who may be willing to vote for bonds under those circumstances so that we can get smaller classroom sizes.

We can pass an enforceable, effective Patients' Bill of Rights. We can pass a prescription medicine program under Medicare that will allow everyone in a voluntary and universal way to be able to access that very important benefit.

We could pass campaign reform that gets rid of the flood of soft, non-Federal money in the campaigns. We could get meaningful gun safety legislation that would take the danger out of our classrooms and our other public institutions.

We still have an opportunity in these last days to get all of those things done, or at least some of them done. And so I plead with my friends on the other side of the aisle, and my side of the aisle, let us work together in the remaining hours of this session. Let us produce legislation that will be signed by the President and that will help all the people of this country.

Time is not yet up. We can do this. But to do it, it takes a spirit of bipartisanship and communication and working together to get these things done.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to compliment the minority leader again today, as I did the last time that he made this same speech calling for bipartisanship and all working together. I am all for that. I think we ought to do that. But it is interesting. Almost immediately after he made the speech last week, all we heard from his side of the aisle was more partisan attacks, not even related to the issues that we were dealing with.

Of all of the things that we have heard talked about today, I do not think more than one or two of them had to do with appropriations. We are here today to deal with an appropriations matter, not all of these other issues, these authorizing issues, these legislating issues. I find it difficult to keep track of what bill is before the House when we hear all of the rhetoric that in my opinion is purely campaign rhetoric.

I think that those campaign speeches that we just heard this morning, I think that is about the 69th time that I have heard those same speeches in the last 60 days, and I think we should give them all a number. We could save the time of the House so that we could get about our business if we just took each one of their arguments and gave it a number. When they stand up, say ''Argument Number 2, Argument Number 10,'' we could save a lot of time, because we have memorized their speeches. Those speeches that should have been reserved for the campaign trail, because that is where they belong, not in this House where the people's business has to come first.

We are also criticized for working at night. We work a lot of nights. We work all day long. And we work at night too. And not only the Republican side; the Democrats do too. Despite some of the accusations about secret meetings, in all of the negotiations the Republican Majority and the Democratic minority have been involved together and most of them have included representatives of the President from the White House.

We have tried to be as totally fair as we possibly could be. We did not learn that was the right thing to do from the time that we were the minority, because we were never given those kind of opportunities. We were never allowed to participate in the decision-making, and so we vowed that the minority party would have the opportunity that we did not have as a minority when we gained the majority. And I think we have been pretty true to that. I do not think that there is any room for any criticism that we have excluded the minority from any of these conversations.

Now, it is suggested that we ought to do everything that the President wants. Well, we are trying to accommodate the President, because he is the President and he has as much power at this stage of the appropriations process as two-thirds of this House and two-thirds of the Senate. Because if he decides to veto a bill, it takes two-thirds of the House and two-thirds of the Senate to override that veto. So he becomes very powerful in this process and that is why we have worked very diligently with the President's representatives to try to accommodate him to the best of our ability.

Mr. Speaker, I will give an example on education. We have proposed in our legislation to provide considerably over a billion dollars more money for education than the President requested in his budget. The big holdup has been, we believe, that the local school officials, the elected school boards, in our counties and our districts should have the opportunity to decide if they need new school buildings? Do they need more teachers? Do they need more special education? Do they need books? Do they need supplies? They should make those decisions, not somebody sitting here in Washington.

The minority side would like people to believe that Republicans really do not support education. That is just as phony as it can be. We are strong supporters of education. Let me give an example. Most of my colleagues in the House are very much aware that for all of the years that I have been here, I have spent most of my time dealing with national defense issues, national security and intelligence. And that is a fact. I have spent a lot of time on that because that is important to our Nation. If we do not have a secure Nation, we do not have much else.

But after making all the speeches about national defense, let me suggest this. If we are going to sustain our position in the world due to high technology and state-of-the-art weapons and systems, and if we are going to sustain the ability of our young men and women to function with these systems and to operate them, we have got to have the best educational system possible. And I know that our strong national defense, our strong intelligence capabilities, our strong state-of-the-art technology, and the creation of new technology, do not happen if we do not have a strong and effective educational system.

Republicans believe that. That is why we are so committed to having a very strong educational system.

One of the issues that the minority leader mentioned just a few minutes ago was about the tax bill. That is not what is before us this morning. But he mentioned some of the groups that might have been affected by that tax bill. But one of our colleagues on our side, the gentleman from California (Mr. THOMAS) just the other day read off a list of the people and the groups who supported the tax bill, and the groups that he mentioned were all supporters of the tax bill. They did not oppose it. They supported it.

It is interesting when the government has a huge surplus of money, there are those who believe that surplus belongs to the government. Wrong. Wrong. That surplus belongs to the taxpayers of this great Nation. And just because it is there does not mean that the government should spend it. So the tax bill I think is supported dramatically by the American people.

Now, if we have a large surplus, how did it come about? We came into this

Congress as a majority party a few years back determined to balance the budget. We met all kind of resistance. We were told that we cannot do it, and we did not get much support from the other side to balance the budget. But we balanced it, and today they will stand and take credit for it.

We turned the tables on those who were downsizing our national defense, and we began to rebuild. We began to replace spare parts that were needed. We began to create a much better quality of life for people in our military. We gave them the largest pay raise last year, another pay raise this year that the Congress initiated, but the administration is taking credit for it. We balanced the budget. We have a surplus.

Mr. Speaker, since I became chairman of the Committee on Appropriations, we have not spent one dime out of the Social Security Trust Fund, and yet there are those candidates running around the country today saying, ''Oh, be careful of those Republicans. They are going to destroy your Social Security.'' Not true, Mr. Speaker. That is a phony argument and a phony accusation. We are the ones who stopped the raid on the Social Security fund.

We have a record to be proud of in our appropriations bills. We are proud of that record too because this House of Representatives under our leadership passed all of our appropriations bills a long time ago. The holdup and the delay has not come from the House. The additional spending, the additional projects have not come from the House.

But, Mr. Speaker, one of the biggest problems is all of the extraneous material, the 69 campaign speeches we have heard in the last 2 months. Those campaign speeches have talked about policy issues that some people would like to decide on in an appropriation bill. Well, there is a regular order in this House of Representatives on how we deal with those issues. We have numerous authorizing committees that have the jurisdiction and the responsibility to deal with those big issues. It has long been a practice that appropriation bills are appropriation bills and we do not legislate on appropriation bills, unless there is an exceptionally valid reason to do so.

But now they want us to take all of the philosophical issues that are out there and lump them on to an appropriation bill without hearings, without the opportunity for the House to deal with those issues directly. They want to lump them on to an appropriation bill. And why is that? Because appropriation bills have to pass. If appropriation bills do not pass, then the government does not function.

Mr. Speaker, we have approached our responsibilities in what I think is a very responsible way. I would prefer not to be here today with this one-day continuing resolution. We tried to meet yesterday with representatives from the President's office. They were not available to us yesterday so that we could work on the last bill. There is only one bill left out there. We hope to meet all day today with the administration and with the minority party on that one bill. And if we have to, we will go into the night. And if it takes going into the night, we are going to do it. And then we will be accused, of course, of doing something in the dark of night. But if we are going to work 16 or 18 hours a day, a lot of that time is dark time.

We are going to work to get the people's job done. We are not here to make political campaign speeches in this House. We are here to do our job in a responsible fashion. We are here to put the people's business above politics. When we leave here, we will go home and that is where we will do our politics.

Mr. Speaker, I ask for a ''yes'' vote on the CR, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 646, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read the third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 366, nays 13, not voting 53, as follows:

[Roll No. 563]

YEAS—366

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Coyne
Crane
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Paul
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—13

Baird
Capuano
Costello
DeFazio
Dingell
Ford

Frank (MA)
Hilliard
Kaptur
Miller, George
Pastor
Stupak
Visclosky

NOT VOTING—53

Barr
Barton
Bilbray
Campbell
Chenoweth-Hage
Clay
Cox
Cramer
Crowley
Danner
Dickey
Dixon
Dunn
Fattah
Fowler
Franks (NJ)
Ganske
Gilchrest
Hefley
Hinchey
Hutchinson
Isakson
Jefferson
Johnson, Sam
Kasich
Kingston
Klink
Kolbe
Lazio
Martinez
McCollum
McCrery
McInnis
McIntosh
McIntyre
Metcalf
Mollohan
Olver
Peterson (PA)
Regula
Sanders
Serrano
Shays
Spratt
Stark
Talent
Tauzin
Thompson (MS)
Watkins
Watts (OK)
Waxman
Weiner
Wise

1018

Mr. GUTIERREZ changed his vote from ''nay'' to ''yea.''

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TAUZIN. Mr. Speaker, on rollcall No. 563, I was inadvertently detained. Had I been present, I would have voted ''yea.''

PRIVILEGES OF THE HOUSE—IN THE MATTER OF REFUSALS TO COMPLY WITH SUBPOENAS ISSUED BY COMMITTEE ON RESOURCES

Mr. YOUNG of Alaska. Mr. Speaker, I rise to a question of the privileges of the House and, by direction of the Committee on Resources, I call up a privileged report (Rept. No. 106–801).

The SPEAKER pro tempore. The Clerk will read the report.

The Clerk read as follows:

CONTEMPT OF CONGRESS

REPORT ON THE REFUSALS TO COMPLY WITH SUBPOENAS ISSUED BY THE COMMITTEE ON RESOURCES

DON YOUNG, CHAIRMAN

U.S. House of Representatives
Committee on Resources
Washington, DC 20515

LETTER OF TRANSMITTAL

July 27, 2000

Honorable Dennis J. Hastert
Speaker of the House of Representatives
Washington, D.C.

Dear Mr. Speaker:

Since May 1999, the Committee on Resources has been conducting an oversight review of payments made by a private corporation to two federal employees with duties affecting public lands. That oversight project focuses on three areas: the payments and the source of the funds used to make the payments; the possibility that those payments affected policies and actions concerning public lands; and statutes, rules and practices of the Department of the Interior and Department of Energy which were circumvented or inadequate to disclose the payments.

During the course of our work, many witnesses refused voluntary interviews and requests for records. In June 1999, the Committee authorized me to issue subpoenas in this oversight project. I thereupon issued subpoenas requiring the production of records from various parties. In spite of the plain requirements of one subpoena, certain documents were heavily redacted. In February 2000, that same party and two others announced publicly that they intended to refuse production under subpoenas issued on February 17, 2000. Further subpoenas were also met with defiance.

On May 4, 2000, the Subcommittee on Energy and Mineral Resources began a series of hearings in this matter. Because many important witnesses had refused requests for interviews, I issued subpoenas requiring appearances at four hearings. During the course of those hearings, four witnesses refused to answer questions ruled by the Subcommittee to be pertinent and ordered to be answered.

This Report includes facts describing the refusals by Mr. Henry M. Banta; Mr. Keith Rutter; and Ms. Danielle Brian Stockton to both refuse compliance with subpoenas for records and refuse answers to pertinent questions while testifying under subpoena; the refusal of Mr. Robert A. Berman to answer pertinent questions while testifying under subpoena; and the refusal of the Project on Oversight to produce subpoenaed records.

The Committee on Resources reports these facts to the House with a recommended resolution authorizing you to report the facts of these refusals to the United States Attorney for the District of Columbia. If the House accepts the Committee's recommendation and adopts our report, upon certification by you, the United States Attorney would ask a grand jury to consider Contempt of Congress charges against these parties.

The standards of proof applicable to these offenses is a matter for another branch of government. This Committee and the House of Representatives fulfill the legislative branch's obligation by making a report of the facts.

During consideration of the report, the Committee considered and rejected a motion to abandon the historical view of the House and the established practice of the Committee on Resources regarding claims of common law privileges such as the attorney-client privilege.

The Committee on Resources believes that the important work of this oversight project and the broader oversight responsibilities of the Congress require action to sanction these parties for refusing compliance with duly authorized subpoenas. Oversight of possible abuses of public trust often require the use of subpoena power. If subpoenas may be openly defied, the power of Congress to conduct oversight is eroded.

The Committee on Resources voted to approve the attached report and resolution and recommends favorable action by the House of Representatives.

DON YOUNG
Chairman

CONTEMPT OF CONGRESS

Mr. Young of Alaska, Chairman of the Committee on Resources, with Mrs. Cubin, Chairman of the Subcommittee on Energy and Mineral Resources submits the following to the Committee on Resources

REPORT

Introduction

Chairman DON YOUNG together with Representative BARBARA CUBIN, Chairman of the Subcommittee on Energy and Mineral Resources, submits to the Committee the following Report including the following Resolution recommending to the House of Representatives that Mr. Henry M. Banta; Mr. Robert A. Berman; Mr. Keith Rutter; Ms. Danielle Brian Stockton; and the Project on Government Oversight, a corporation organized in the District of Columbia, be cited for Contempt of Congress:

> *Resolved*, That pursuant to sections 102 and 104 of the Revised Statutes of the United States (2 U.S.C. §§192 and 194), the Speaker of the House of Representatives shall certify to the United States Attorney for the District of Columbia the report of the Committee on Resources detailing (1.) the refusal of Mr. Henry M. Banta; Mr. Keith Rutter; and Ms. Danielle Brian Stockton to produce papers subpoenaed by the Committee on Resources and the refusal of each to answer questions while appearing under subpoena before the Subcommittee on Energy and Mineral Resources; (2.) the refusal of the Project on Government Oversight, a corporation organized in the District of Columbia, to produce papers subpoenaed by the Committee on Resources; and (3.) the refusal of Mr. Robert A. Berman to answer questions while appearing under subpoena before the Subcommittee on Energy and Mineral Resources, to the end that Mr. Henry M. Banta; Mr. Robert A. Berman; Mr. Keith Rutter; Ms. Danielle Brian Stockton; and the Project on Government Oversight be proceeded against in the manner and form provided by law.

The Committee on Resources directed the preparation of this Report by a Motion adopted on July 12, 2000 by a vote of 26 to 11 (Exhibit FF), after Mr. Banta, Mr. Rutter, Ms. Brian, and the Project on Government Oversight defied rulings by the Committee on Resources ordering production of the papers over objections, and after the Subcommittee on Energy and Mineral Resources sustained rulings by the chair which overruled objections raised and ordered that questions be answered by Mr. Banta, Mr. Berman, Mr. Rutter, and Ms. Brian. (Exhibit GG)

Committee Consideration

On July 19, 2000, the Full Resources Committee met in open session with a quorum present to consider a resolution and report of contempt against Henry M. Banta; Keith Rutter; Danielle Brian Stockton; and the Project on Government Oversight, a corporation organized in the District of Columbia, for failure to comply with subpoenas for records; and against Henry M. Banta, Keith Rutter, Danielle Brian Stockton and Robert Berman for refusing to answer pertinent questions while testifying under subpoena.

Congressman Jay Inslee (D-WA) offered an amendment to the report; the amendment was defeated by a roll call vote of 16 to 26, as follows:

Committee on Resources
U.S. House of Representatives
106th Congress

Full Committee

Date 7-19-00

Roll No. 1

Bill No. _____ Short Title Resolution & Report regarding Contempt of Congress.

Amendment or matter voted on: Amendment offered by Mr. Inslee

Member	Yea	Nay	Pres.	Member	Yea	Nay	Pres.
Mr. Young (Chairman)		X		*Mr. Miller*	X		
Mr. Tauzin		X		*Mr. Rahall*	X		
Mr. Hansen		X		*Mr. Vento*			
Mr. Saxton		X		*Mr. Kildee*	X		
Mr. Gallegly		X		*Mr. DeFazio*			
Mr. Duncan		X		*Mr. Faleomavaega*	X		
Mr. Hefley		X		*Mr. Abercrombie*	X		
Mr. Doolittle		X		*Mr. Ortiz*			
Mr. Gilchrest		X		*Mr. Pickett*			
Mr. Calvert		X		*Mr. Pallone*			
Mr. Pombo		X		*Mr. Dooley*	X		
Mrs. Cubin		X		*Mr. Romero-Barcelo*	X		
Mrs. Chenoweth-Hage		X		*Mr. Underwood*	X		
Mr. Radanovich				*Mr. Kennedy*			
Mr. Jones		X		*Mr. Smith*			
Mr. Thornberry		X		*Mr. John*			
Mr. Cannon				*Mrs. Christensen*	X		
Mr. Brady		X		*Mr. Kind*	X		
Mr. Peterson		X		*Mr. Inslee*	X		
Mr. Hill		X		*Mrs. Napolitano*	X		
Mr. Schaffer		X		*Mr. Tom Udall*	X		
Mr. Gibbons		X		*Mr. Mark Udall*	X		
Mr. Souder		X		*Mr. Crowley*	X		
Mr. Walden		X		*Mr. Holt*	X		
Mr. Sherwood		X					
Mr. Hayes		X					
Mr. Simpson		X					
Mr. Tancredo		X		**TOTAL**	16	26	

No further amendments were offered, and the Committee on Resources approved the resolution and report by a roll call vote of 27-16, as follows:

Committee on Resources
U.S. House of Representatives
106th Congress

Full Committee

Date 7-19-00

Roll No. 2

Bill No. _____ Short Title Resolution & Report regarding Contempt of Congress.

Amendment or matter voted on: Final Passage

Members	Yea	Nay	Present	Members	Yea	Nay	Present
Mr. Young (Chairman)	X			*Mr. Miller*		X	
Mr. Tauzin	X			*Mr. Rahall*		X	
Mr. Hansen	X			*Mr. Vento*			
Mr. Saxton	X			*Mr. Kildee*		X	
Mr. Gallegly	X			*Mr. DeFazio*		X	
Mr. Duncan	X			*Mr. Faleomavaega*		X	
Mr. Hefley	X			*Mr. Abercrombie*	X		
Mr. Doolittle	X			*Mr. Ortiz*			
Mr. Gilchrest	X			*Mr. Pickett*			
Mr. Calvert	X			*Mr. Pallone*			
Mr. Pombo	X			*Mr. Dooley*		X	
Mrs. Cubin	X			*Mr. Romero-Barcelo*		X	
Mrs. Chenoweth-Hage	X			*Mr. Underwood*		X	
Mr. Radanovich				*Mr. Kennedy*			
Mr. Jones	X			*Mr. Smith*			
Mr. Thornberry	X			*Mr. John*			
Mr. Cannon				*Mrs. Christensen*		X	
Mr. Brady	X			*Mr. Kind*		X	
Mr. Peterson	X			*Mr. Inslee*		X	
Mr. Hill	X			*Mrs. Napolitano*		X	
Mr. Schaffer	X			*Mr. Tom Udall*		X	
Mr. Gibbons	X			*Mr. Mark Udall*		X	
Mr. Souder	X			*Mr. Crowley*		X	
Mr. Walden	X			*Mr. Holt*		X	
Mr. Sherwood	X						
Mr. Hayes	X						
Mr. Simpson	X						
Mr. Tancredo	X			TOTAL	27	16	

I. Background

In April 1999, an oil industry publication reported that two federal employees had been paid by the Project on Government Oversight (POGO). (Exhibit A) POGO is a private corporation which is pursuing changes in oil valuation policies and regulations. The payments, totaling $383,600 to each official, were derived from the private corporation's participation in a False Claims Act lawsuit alleging fraudulent underpayment of royalties due on oil from federal and Indian leases.

In May 1999, the Committee on Resources opened an oversight review to: examine the payments; the possibility that the payments tainted or cast a shadow over recent major oil valuation policy actions; and to review agency rules and procedures which may have been circumvented or inadequate to stop the payments. On June 9, 1999, the Committee authorized the Chairman to issue subpoenas in this matter. (Exhibit B)

The Committee's oversight review began by making official written requests for documents and information from the Department of the Interior, the Department of Energy, and POGO. Later in 1999, subpoenas duces tecum were issued to POGO, Mr. Berman, and Mr. Speir.

Analysis of records and information gathered through subpoenas, official requests, and other means cast considerable doubt on the explanations provided by the parties. Records of POGO Board of Directors meetings and of POGO's dealings with Mr. Berman and Mr. Speir suggested that the three parties intended a binding agreement to equally share POGO's oil litigation proceeds. This agreement was concluded orally in early December 1996, memorialized on January 8, 1998, and restated in writing on October 8, 1998. None of these written or oral forms of the agreement suggest that the payments were intended as public service awards. An excerpt from minutes taken of the October 27, 1998, POGO Board of Directors meeting along with testimony received by the Subcommittee on Energy and Mineral Resources indicates that consultation with attorneys and accountants led to a decision to record the payments as awards but does not suggest that the Board intended or understood the payments as such.

Information was gathered and further research and analysis was conducted through the balance of 1999. By March of 2000, the Committee concluded that a more robust inquiry was required to attempt to determine the purpose and nature of the POGO/Berman/Speir agreement; to examine its possible effects on federal oil valuation and royalty policy deliberations and actions; and to review the agency ethics and financial disclosure rules and policies which may have been circumvented in concealing the agreement or which were inadequate to uncover such an agreement.

On March 21, 2000, Chairman Young charged the Subcommittee on Energy and Mineral Resources with advancing the oversight inquiry. In the letter making that charge, Chairman Young also stated a revised subject of the oversight inquiry. (Exhibit C) That statement of

subject remains unchanged. It was provided to the parties soon after it was transmitted to the Subcommittee and on numerous subsequent occasions.

II. Authority and Legislative Purpose

The authority of the Committee on Resources to conduct this oversight review has been provided to the parties cited for Contempt of Congress in correspondence and in statements at the opening of hearings.

The Committee on Resources is a duly established committee of the House of Representatives, pursuant to the Rules of the House of Representatives, 106th Congress. The jurisdiction granted to the Committee by House Rule X includes "petroleum conservation on public lands. . . ." and "[p]ublic lands generally", which plainly includes policies and programs for collecting royalties owed on crude oil from federal and Native American leases and related matters. House Rule X 2(a) and (b) confer general oversight responsibility on the Committee on Resources. Clause 2(a)(1)(A) of Rule X charges the Committee on Resources with conducting oversight examinations of "the application, administration, [and] execution . . . of federal laws ". Clause 2(a)(1)(B) of Rule X extends the oversight mandate to "conditions and circumstances that may indicate the necessity or desirability of enacting new or additional legislation." Clause 2(b)(1)(B) of Rule X additionally empowers the Committee to examine the "operation of Federal agencies" which administer matters under the Committee's jurisdiction. (Exhibit D)

Under these mandates contained in the Rules of the House of Representatives, 106th Congress, the Committee on Resources has clear authority to conduct an oversight review of payments made to federal oil valuation and royalty policy advisors; the possible effect of those payments on federal oil valuation and royalty policy deliberations and actions; and laws and regulations and federal policies which bear on those payments.

Rule 6 of the Rules for the Committee on Resources, 106th Congress, establishes the Subcommittee on Energy and Mineral Resources and delegates to it jurisdiction and responsibility for "Petroleum conservation on the public lands . . . ." and related matters. (Exhibit E)

Since the First Congress, the legislative branch has conducted inquiries into suspected corruption and mismanagement by federal officials. Supreme Court decisions confirm the power of Congress to engage in oversight and investigation and to reach all sources of information enabling it to carry out its legislative function. Congress, through duly established committees such as the Committee on Resources, has considerable power to require from executive agencies, private persons and organizations production of information needed to discharge legislative branch functions.

The Supreme Court has also firmly established that the oversight and investigative power of Congress is integral to legislative branch functions and is implicit in the Constitution's general vesting of legislative power in Congress. Eastland v. United States Servicemen's Fund (421 U.S. 491, 504 n. 15 (quoting Barenblatt v. United States, 360 U.S. 109, 111 (1950)) reiterates that Congress' "scope of power of its power of inquiry . . . is as penetrating and far reaching as the potential power to enact and appropriate under the Constitution." Watkins v. United States reaffirmed that statement and made it clear that Congress' oversight and investigation power is "at its peak when the subject is alleged waste, fraud, abuse, or maladministration within a government department." (354 U.S. 178, 187 (1957))

The authority of the Committee on Resources to issue subpoenas is equally clear. House Rule XI 2(m) authorizes the Committee to issue subpoenas and to delegate that power to the Chairman under its own rules. (Exhibit F) Committee Rule 4(e) governs issuance of subpoenas. (Exhibit G) Under that authority, on June 9, 1999, the Committee delegated subpoena power to the Chairman for purposes of this oversight review. The Chairman has exercised that authority by issuing subpoenas duces tecum and subpoenas to appear before the Subcommittee on Energy and Mineral Resources. The Chairman has also exercised that authority to consider and rule on objections, to alter the terms of subpoenas to accommodate objections, and to order production of withheld records.

During the course of hearings, the Chairman of the Subcommittee on Energy and Mineral Resources has exercised the authority of a chairman to consider and rule on objections and to order that questions be answered by witnesses appearing under subpoena.

III. Refusals to Comply With Subpoenas

A. Henry M. Banta

See Exhibit H for information and subpoenas.

February 17, 2000 Subpoena Duces Tecum

Mr. Banta has refused to comply with this subpoena by:

(1.) Redacting records: Mr. Banta produced a photocopy of a document on 8 ½" X 11" POGO letterhead which was redacted so severely as to have no independent meaning.(Exhibit I) In the upper left hand corner, the date "February 5, 1998" is typed. Approximately 7.125" from the top of the page, along the left hand margin and indented, the words "III. Oil Case Discussion" is typed. All other portions of the first page of the document and the entire second page is stamped "Redacted Based Upon Lack of Pertinency" Mr. Banta provided no information or arguments to permit the Committee to review and rule upon his objection to producing the redacted portions. Chairman Young ruled by a letter dated June 26, 2000, that Mr. Banta was required to produce unredacted

versions of responsive records. (Exhibit S) The Committee sustained that determination and ordered production of such records on July 12, 2000, by a vote of 26 to 11. (Exhibit FF)

The Committee has obtained a document under subpoena to POGO which appears to be the same as the severely redacted document produced by Mr. Banta. (Exhibit J) The POGO version of the document is redacted differently and establishes that Mr. Banta concealed a portion of this document which is pertinent to the subject under examination by the Committee.

Mr. Banta produced a redacted version of minutes taken of the October 27, 1998, POGO Board of Directors meeting. (Exhibit AA) A version of these minutes obtained by subpoena from POGO establishes that Mr. Banta's redaction concealed a portion of this record which is pertinent to the subject under examination by the Committee. (Exhibit BB) Chairman Young ruled by a letter dated June 26, 2000, that Mr. Banta was required to produce unredacted versions of responsive records. (Exhibit S) The Committee sustained that determination and ordered production of such records on July 12, 2000, by a vote of 26 to 11. (Exhibit FF)

(2.) Refusing to Comply with Orders to Produce: Mr. Banta, as required by this subpoena, provided a log of responsive records withheld under a claim of privilege. The Chairman reviewed each claim and ruled on each. Mr. Banta was ordered to produce many of the withheld records but was invited to provide additional information to support claims of attorney-client or attorney work product privileges asserted by Mr. Banta. That offer was not accepted. On June 26, 2000, Chairman Young ordered Mr. Banta to produce twelve specified records which do not qualify for protection under the judicial branch privileges for attorney-client communications or attorney work product.(Exhibit S) These rulings and orders were sustained by the Committee on July 12, 2000, by a vote of 26 to 11, as noted above. (Exhibit FF)

On July 12, 2000, by a vote of 26 to 11(Exhibit FF), the Committee also sustained the Chairman's rulings that neither 29 U.S.C. §1733 or 30 U.S.C. §1733 are applicable to withholding records sought to be protected under those claims and must be produced. Mr. Banta is withholding four specified records under these claims.(Exhibit CC)

Mr. Banta is also refusing to produce eight records under claims that they are not pertinent to the statement of the subject under examination contained in Chairman Young's March 21, 2000, letter to Representative Cubin. Chairman Young considered each claim and overruled each. (Exhibits K and S) On July 12, 2000, by a vote of 26 to 11, the Committee sustained these rulings and ordered that the records be produced. (Exhibit FF)

April 10, 2000 Subpoena Duces Tecum

Mr. Banta has refused to comply with this subpoena by:

(1.) Failure to Comply: Mr. Banta did not produce a required log of responsive records withheld under a claim of privilege.

(2.) Refusal to Produce: Mr. Banta possesses but did not produce an unredacted agenda for the February 17, 1998, POGO Board Meeting and unredacted minutes of the October 27, 1998, POGO Board meeting.

Subpoena to Appear on May 18, 2000

This subpoena was issued by Chairman Young on May 9, 2000. It required Mr. Banta to appear and testify before the Subcommittee on Energy and Mineral Resources on May 18, 2000. (Exhibit H)

Prior to appearing at that hearing and a hearing on May 4, 2000, Mr. Banta was provided with a statement of the subject under examination, with a copy of the Committee rules and relevant portions of House rules, and was advised that he would be placed under oath and may be accompanied by counsel to advise on constitutional rights and privileges.

During testimony on May 4, 2000, and May 18, 2000, Mr. Banta answered without objection or volunteered information about the link between POGO's oil royalty litigation effort and the agreement to pay Mr. Berman and Mr. Speir; his knowledge of specific aspects of and actions taken during POGO's oil royalty litigation effort; and his professional assessment of POGO's chances of success in its case or as a co-relator in Johnson v. Shell. But when asked specifically about his knowledge of Johnson v. Shell while that case was under seal, he refused to answer. The Chair ruled the question to be pertinent and within jurisdiction of the Subcommittee and Committee. The question was asked again and an answer was again refused. On June 29, 2000, the Subcommittee, by a vote of 9 to 0, sustained the Chairman's ruling and order that the question be answered. (Exhibit GG)

The relevant excerpt from the hearing transcript is attached as Exhibit L.

B. Mr. Robert A. Berman

See Exhibit M for information and subpoenas.

Subpoena to Appear on July 11, 2000

On April 17, 2000, Chairman Young issued a subpoena requiring Mr. Berman to appear before the Subcommittee on Energy and Mineral Resources on May 18, 2000. That subpoena is

not at issue in this report. On June 29, 2000, Chairman Young issued a subpoena requiring Mr. Berman to appear again before the Subcommittee, on July 11, 2000. (Exhibit M)

At the May 18, 2000, hearing, Mr. Berman objected to conducting the hearing outside of Executive Session, citing a House rule applicable to conducting closed-door business meetings and mark-ups. In a letter received on the morning of the hearing, Mr. Berman's attorney, Steven C. Tabackman, made the same incorrectly grounded objection.(Exhibit N) These missteps notwithstanding, the Chairman made a corrected motion to discuss closing the hearing to the public, on behalf of Mr. Berman. The motion was defeated on a voice vote. When questioned, Mr. Berman refused to answer unless one of two demands was met: Members who Mr. Berman believed had defamed him waived their constitutional immunity for official acts and remarks so that Mr. Berman might sue them for defamation; or those allegedly offending Members apologize to Mr. Berman and state publicly that they had no basis for making statements found objectionable by Mr. Berman.

Mr. Berman was warned against refusing to answer questions on this basis and was dismissed by the Chairman.

At the July 11, 2000, hearing, proceedings were conducted in Executive Session and under House Rule XI.2(k) procedures applicable to Investigative Hearings on a motion approved by a vote of 9 to 0. (Exhibit GG)

Refusal to Answer

When questioned in Executive Session during the July 11, 2000, hearing under the extraordinary witness protections provided by Rule XI.2(k), Mr. Berman again refused to answer questions unless Members acquiesced to his demands and limited questioning to matters deemed to be pertinent by Mr. Berman. After answers were refused to several questions, the Chairman ruled each question to be pertinent to the stated subject under review and ordered Mr. Berman to answer each question not answered. Mr. Berman did not comply. Thereupon, by a vote of 6 to 3, the Subcommittee sustained the Chairman's rulings and orders and directed that Mr. Berman's refusal to answer while testifying under subpoenas be reported to the Committee on Resources. (Exhibit GG) Mr. Berman was thereupon provide with a final opportunity to answer. He declined. The Chairman then provided an extraordinary opportunity for Mr. Berman and Mr. Tabackman to explain their grievances to the Subcommittee. Even after being allowed to deliver these highly unusual statements, Mr. Berman refused to answer questions posed by Members.

Under questioning by a Minority Member, Mr. Berman made it clear that he would refuse to answer any questions unless his grievances and demands were addressed satisfactorily. (Exhibit Z)

Relevant portions of the July 11 hearing transcript are included as Exhibit O.

C. Mr. Keith Rutter
See Exhibit P for information and subpoenas.

April 10, 2000 Subpoena Duces Tecum

Mr. Rutter has refused to comply with this subpoena by:

(1.) Withholding Records: At the time the subpoena was issued and served, Mr. Rutter was required to provide the IRS Form 990 filed by POGO for tax years 1996, 1997, and 1998. The 1998 form had been produced in answer to the June 18, 1999, subpoena to POGO. It was included in this subpoena to ensure that the Committee had any changes or modifications made since the original filing. Later production by POGO confirmed that the copy provided to the Committee has been superceded by a corrected form filed on July 10, 2000. Under the continuing obligation imposed by this subpoena, Mr. Rutter is now required to produce the corrected form for tax year 1998, the forms for tax years 1996, 1997, and 1999. None of these has been produced. By letter dated June 26, 2000, (Exhibit S) Chairman Young rejected Mr. Rutter's objection, made in a letter dated April 21, 2000, from Stanley M. Brand, that this subpoena requirement is not pertinent to the stated subject under review and is outside the authority of the Committee. (Exhibit Q) On July 12, 2000, the Committee sustained the Chairman's ruling in this regard and his order that the records be produced, by a vote of 26 to 11, as discussed earlier. (Exhibit FF)

It must be noted that although Mr. Rutter asserts that the IRS Form 990 filed by POGO for tax years 1996 through 1999 need not be produced to the Committee, POGO itself has provided two versions of the 1998 Form 990 under a subpoena which did not separately specify tax records of oil litigation income, expenses, and disbursements.

This subpoena also required Mr. Rutter to produce the publicly-available records relating to POGO's IRS Form 1023, an application for tax exempt status. This record would help determine whether the POGO Board of Directors intended to reward Mr. Berman and Mr. Speir under an existing or newly established program of public service monetary awards. Mr. Rutter's objection (Exhibit Q) to producing this record was considered by the Chairman and rejected. (Exhibit S) That ruling and the Chairman's order to produce the record was sustained by the Committee on July 12, 2000, by a vote of 26 to 11, as noted earlier. (Exhibit FF)

This subpoena also required Mr. Rutter to produce the articles of incorporation for POGO and the corporate by-laws in effect for the years 1996 through 1999. These records are needed to help determine whether the agreement to pay Mr. Berman and Mr. Speir the initial payments served a valid corporate purpose or may have been intended as part of an improper scheme. Mr. Rutter objected to this production requirement as not pertinent to the subject under review. (Exhibit Q) That objection was considered by the Chairman

and rejected by a letter dated June 26, 2000. (Exhibit S) That ruling and order to produce these records was sustained by the Committee on July 12, 2000, by a vote of 26 to 11, as noted earlier. (Exhibit FF)

This subpoena also required Mr. Rutter to produce records relating to civil litigation deposition testimony given by Ms. Brian which concerned Mr. Rutter's job responsibilities. By letter dated April 21, 2000, Mr. Rutter objected that this item constituted a written interrogatory outside the authority of the Committee.(Exhibit Q) On June 26, 2000, Chairman Young overruled this objection, explaining that the subpoena only required production of existing records concerning or relating to the facts contained in Ms. Brian's deposition, and ordered the records produced. (Exhibit S) On July 12, 2000, the Committee sustained this ruling and order by a vote of 26 to 11, as discussed earlier. (Exhibit FF)

(2.) Failure to Produce: Mr. Rutter failed to provide a required log of responsive records withheld by him under a claim of privilege.

D. Ms. Danielle Brian Stockton

See Exhibit T for information and subpoenas.

June 18, 1999 Subpoena Duces Tecum

Ms. Brian has refused to comply with this subpoena by:

(1.) Redacting Records: Pursuant to this subpoena, the Committee received two excerpts from two POGO Board of Directors meetings conducted some 20 months apart. (Exhibit R) Complete minutes should have been produced for those meetings and for all meetings at which subjects concerning oil royalty litigation and payments to Mr. Berman and Speir were discussed. By letter dated June 26, 2000, Chairman Young ordered that unredacted copies of responsive records be produced to the Committee. (Exhibit S) That determination was sustained by the Committee on July 12, 2000, by a vote of 26 to 11, as discussed above. (Exhibit FF)

(2.) Withholding Records: Sworn civil litigation testimony by Ms. Brian indicates that the Board may have touched on these matters at as many as twenty sessions from 1994 until the present. Excerpts from Board meeting minutes provided to the Committee, outside of any subpoena, establish that Ms. Brian failed to produce complete minutes and agendas for Board meetings held on January 5, 1995; December 9, 1996; February 17, 1998; October 27, 1998; April 26, 1999; and September 9, 1999. (Exhibits X, EE, R and J)

February 17, 2000 Subpoena Duces Tecum

Ms. Brian has refused to comply with this subpoena by:

(1.) Failure to Comply: Ms. Brian failed to produce a required log of responsive records withheld under a claim of privilege. Chairman Young ordered production of a log of responsive withheld records by letter dated June 26, 2000.(Exhibit S) On July 12, 2000, the Committee sustained this order by a vote of 26 to 11, as noted above. (Exhibit FF)

Subpoena to Appear on May 18, 2000

On April 17, 2000, Chairman Young issued a subpoena requiring Ms. Brian to appear before the Subcommittee on Energy and Mineral Resources on May 18, 2000. (See Exhibit T)

Prior to appearing at that hearing, Ms. Brian was provided with a statement of the subject under examination, with a copy of the Committee rules and relevant portions of House rules, and was advised that she would be placed under oath and may be accompanied by counsel to advise on constitutional rights and privileges.

Failure to Comply

Ms. Brian has refused to comply with this subpoena by:

Refusing to Answer: At the outset of her testimony on May 18, 2000, Ms. Brian acknowledged without protest that the hearings and oversight review were examining POGO's oil royalty litigation effort and consequent payments to Mr. Berman and Mr. Speir. Ms. Brian also volunteered her view of the effect the POGO/Berman/Speir agreement had on Johnson v. Shell. But, when asked if she attempted to discuss Johnson v. Shell with Mr. Johnson while the case was under seal or if she had knowledge of the case while it was under seal, Ms. Brian refused to answer. Both questions were ruled by the Chair to be pertinent and within the jurisdiction of the Subcommittee and Committee. Both questions were repeated. Each time, Ms. Brian refused to answer. On June 29, 2000, the Subcommittee, by a vote of 9 to 0, sustained the Chairman's ruling and order that the question be answered. (Exhibit GG)

The relevant excerpts from the hearing transcript are attached as Exhibits U and V.

E. Project on Government Oversight

See Exhibit W for information and subpoena.

February 17, 2000 Subpoena Duces Tecum

The Project on Government Oversight has refused to comply with this subpoena by:

(1.) Refusing to Produce Records: By letter from Stanley M. Brand, Esq., on behalf of POGO, to Chairman Young dated February 28, 2000, POGO objected to providing records reflecting the names and office addresses of POGO Directors during the period of January 1, 1994, through the present. (Exhibit DD) POGO argued that the identity of the individuals legally responsible for overseeing POGO's oil royalty campaign, for authorizing the agreement to pay Mr. Berman and Mr. Speir, and for authorizing the initial payments of $383,600 each made on November 2, 1998, are not pertinent to the stated subject under review. By letters dated April 6, 2000, and June 26, 2000, Chairman Young overruled this claim and ordered production of these records. (Exhibits K and S) By a vote of 26 to 11 on July 12, 2000, the Committee sustained this ruling and order that these records be produced, as noted previously. (Exhibit FF)

Records provided to the Committee by the Department of Treasury establishes that POGO possesses records showing the names and addresses of Board members. Common sense presumes that notices of Board meetings and other correspondence with and among the governing body is not addressed from memory.

This subpoena required POGO to produce records concerning payments to Mr. Berman or Mr. Speir discussed since January 1, 1999. POGO offered no argument to justify failing to comply with this requirement. By letters dated April 6, 2000, and June 26, 2000, Chairman Young ordered production of such records. (Exhibits K and S) By a vote of 26 to 11 on July 12, 2000, the Committee sustained this order, as noted earlier. (Exhibit FF)

The Committee has obtained a record from Stanley M. Brand, Esq. which establishes that POGO possesses but did not produce a record described by this item of the subpoena. (Exhibit X) In response to an inquiry from Chairman Young, Mr. Brand informed the Committee that the record in question was not intended to satisfy any subpoena and was not offered by POGO. (Exhibit Y)

(2.)Refusing to Comply: POGO has not provided a log of responsive records withheld from production under this subpoena under a claim of privilege. Chairman Young ordered production of a log of responsive withheld records by letter dated June 26, 2000. (Exhibit S) On July 12, 2000, the Committee sustained this order by a vote of 26 to 11, as discussed earlier. (Exhibit FF)

IV. Rules Requirements

Committee Oversight Findings and Recommendations

Pursuant to clause 3(c) of Rule XIII of the Rules of the House of Representatives, and as outlined in this report, the Committee held several oversight, investigative and business meetings and made the findings that are reflected in this report.

Committee on Government Reform Oversight Findings

Pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, no oversight findings have been submitted to the Committee by the Committee on Government Reform.

New Budget Authority, Entitlement Authority, and Tax Expenditures; Committee Cost Estimate; Congressional Budget Office Estimate; and Federal Mandates Statement

The Committee finds that clauses 3(c)(2) and (3) of Rule XIII, clause 3(d) of Rule XIII, sections 308(a) and 402 of the Congressional Budget Act of 1974, and section 423 of the Unfunded Mandates Reform Act are inapplicable to this report. Therefore, the Committee did not request or receive a cost estimate from the Congressional Budget Office and makes no findings as to the budgetary impacts of this report or the costs incurred to carry out the report.

Advisory Committee Statement

The Committee finds that section 5(b) of the Federal Advisory Committee Act is inapplicable to this report.

Applicability to Legislative Branch

The Committee finds that the report does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

Changes in Existing Law

This report makes no changes in any existing federal statute.

Preemption of State, Local or Tribal law

This report does not preempt any state, local or tribal law.

Mr. YOUNG of Alaska (during the reading). Mr. Speaker, I ask unanimous consent that the report be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, by direction of the Committee on Resources, I offer a privileged resolution (H. Res. 657) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 657

Resolved, That pursuant to sections 102 and 104 of the Revised Statutes of the United States (2 U.S.C. §§ 192 and 194), the Speaker of the House of Representatives shall certify to the United States Attorney for the District of Columbia the report of the Committee on Resources detailing (1) the refusal of Mr. Henry M. Banta; Mr. Keith Rutter; and Ms. Danielle Brian Stockton to produce papers subpoenaed by the Committee on Resources and the refusal of each to answer questions while appearing under subpoena before the Subcommittee on Energy and Mineral Resources; (2) the refusal of the Project on Government Oversight, a corporation organized in the District of Columbia, to produce papers subpoenaed by the Committee on Resources; and (3) the refusal of Mr. Robert A. Berman to answer questions while appearing under subpoena before the Subcommittee on Energy and Mineral Resources, to the end that Mr. Henry M. Banta; Mr. Robert A. Berman; Mr. Keith Rutter; Ms. Danielle Brian Stockton; and the Project on Government Oversight be proceeded against in the manner and form provided by law.

The SPEAKER pro tempore. The resolution constitutes a question of privilege under rule IX. The gentleman from Alaska (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG of Alaska. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from California (Mr. GEORGE MILLER).

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will report the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. YOUNG of Alaska:

Strike all after the resolving clause and insert the following:

SECTION 1. CERTIFICATION OF REPORT REQUIRED.

Pursuant to sections 102 and 104 of the Revised Statutes of the United States (2 U.S.C. 192 and 194), the Speaker of the House of Representatives shall certify the report of the Committee on Resources (House Report No. 106–801) detailing the refusals described in section 2 to the United States Attorney for the District of Columbia, to the end that each individual referred to in section 2 be proceeded against in the manner and form provided by law.

SEC. 2. REFUSALS DESCRIBED.

The refusals referred to in section 1 are the following:

(1) The refusal of Mr. Robert A. Berman to answer questions while appearing under subpoena before the Subcommittee on Energy and Mineral Resources of the Committee on Resources.

(2) The refusal by Mr. Henry M. Banta to answer questions while appearing under subpoena before the Subcommittee on Energy and Mineral Resources of the Committee on Resources.

(3) The refusal by Ms. Danielle Brian Stockton to answer questions while appearing under subpoena before the Subcommittee on Energy and Mineral Resources of the Committee on Resources.

Mr. YOUNG of Alaska (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, in the event that the amendment is agreed to, I ask that the question on adoption of the resolution be divided within section 2 so that refusal of each of the three named individuals will be voted on separately.

The SPEAKER pro tempore. The Chair would advise the gentleman that if the amendment to the resolution is adopted, the question on adoption of the resolution, as amended, under the precedents, is grammatically and substantively divisible among the three paragraphs of section 2. There would then be an opportunity for a separate vote on the certification of each individual. The question will be so divided at the appropriate time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I filed a supplemental report yesterday. It changes only a technical error on the cover page of Report 106–801 filed by me on July 27, 2000.

Digressing from my statement. My colleagues in this body, this is a very serious time, and I hope that Members will take the time to listen to both sides of this argument and make a decision by voting favorably on this resolution.

The resolution now before the House reports the refusal of three subpoenaed witnesses to answer questions at hearings of the Subcommittee on Energy and Mineral Resources of the Committee on Resources, chaired by the gentlewoman from Wyoming (Mrs. CUBIN). The questions were critical to the committee's oversight.

Every Member of this House, Democrat, Republican and Independent, should support this resolution. If not, we undercut the future capability of this Congress and future Congresses to get information we will need to do our job required by Article One of the Constitution.

The resolution is about whether the authority of a subpoena from a House committee means anything or whether it can be ignored. If Members think a subpoena means something, then they will vote for this substitute resolution. If they think committees, in their oversight roles, not the witnesses, should define the questions at a hearing, then they will vote in favor of reporting the facts relating to the refusal of Ms. Brian, Mr. Berman, and Mr. Banta to answer questions posed by the gentlewoman from Wyoming (Mrs. CUBIN) and her subcommittee.

On institutional grounds alone, every Member, Democrat, Independent, Republican, should support this contempt resolution. Every Member should also support the report on the merits as well.

Mr. Speaker, this all started 18 months ago, when the gentlewoman from Wyoming (Mrs. CUBIN) and I read alarming press reports. These reports detailed government employees within the departments we oversee being paid and using proceeds from a whistleblower lawsuit called Johnson and Shell.

That successful whistleblower suit is now basically settled. It returned over $400 million to the U.S. Treasury. But serious questions about the payments to Federal employees from the whistleblower share of the Johnson and Shell settlements forced us to launch an oversight review in the process. We issued document requests and, as we learned more about the payments, we scheduled hearings.

In those hearings, the gentlewoman from Wyoming exposed details of a secret plan hatched years earlier by a group called POGO, the Project on Government Oversight. The plan was to pay two government oil royalty experts huge, and I mean huge, sums of money from the Johnson and Shell settlement.

POGO used the Federal employees to learn information about the court-sealed Johnson and Shell lawsuit. I repeat, the court-sealed Johnson and Shell lawsuit. And then POGO filed its own suit making the same allegation on top of the Johnson and Shell lawsuit.

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Settlement proceeds from POGO's share were then funneled to the government insiders.

The gentlewoman from Wyoming (Mrs. CUBIN) and her subcommittee discovered how POGO had already split nearly a million dollars from Federal employees. She discovered their written agreements. She discovered their plans to take $7 million in total from the whistleblowers' lawful reward. She discovered their plan split the bounty with the Federal Government employees. She discovered how the Department of Justice told POGO not to make the payments. May I stress that again. She discovered how the Department of Justice told POGO not to make those payments.

The Committee experienced major, major stonewalling from those cited in

this resolution while inquiring about the scheme. The culprits say that they, not Congress, determine what the American people will know about the largest payoffs ever accepted by Federal employees. That stonewalling probably constitutes a Federal misdemeanor known as contempt of Congress. A vote by the House is required to begin enforcement and condemn the payoffs, which is why we consider the report and resolution today.

That oversight review included examining whether the two federal insiders, Robert A. Berman of Interior or Robert A. Speir of Energy, sold Government secrets or exercised influence to favor those who paid them.

The Committee on Resources, under its rules, authorized me to issue subpoenas on this manner. After it became clear that the key players would not provide good-faith cooperation to the subcommittee of the gentlewoman from Wyoming (Mrs. CUBIN), I issued subpoenas for important documents. Later, the participants refused requests for voluntary interviews. So I issued subpoenas for witnesses to appear before the Subcommittee on Energy and Mineral Resources chaired by the gentlewoman from Wyoming (Mrs. CUBIN).

Those subpoenas did not mean much to the key players in this scandal. They were denied. The gentlewoman from Wyoming (Mrs. CUBIN) and the subcommittee were very fair. Her subcommittee's oversight, as far as it could go, was an excellent example, I believe, of responsible Government.

Under the statute, if the House adopts this report, the Speaker is authorized to present the facts to the United States Attorney for the District of Columbia.

Consistent with the constitutional separation of powers, we do not weigh the evidence of refusal to comply with subpoenas against the reasonable doubt standard of proof.

Our obligation is to report the facts as we know them. To fail to make this report will surrender authority over oversight to witnesses rather than reserving it to the House as placed by the Constitution.

To put it simply, these parties have left no choice for the Congress. They refuse to comply.

May I remind Members on both sides of the aisle, if they do not adopt this resolution, if they do not adopt this report, if they do not adopt what I am asking today, future Congresses will be thumbed at and told to forget their role as oversight.

These people offered and accepted the largest payoffs ever made by Federal bureaucrats. But they claim the arrogant, self-serving privilege to tell the United States that they may not ask certain questions about their agreement, what they knew, and how they knew it.

They say to us, we will not tell you how we used Government insiders to learn information. We will not tell you how we used Government employees to leach settlements from the true whistleblowers in the Johnson suit. They say, we will not tell you about our secret agreements to make payments to Federal oil policy insiders who helped them.

To protect our mandate as Members of the House, our mandate to gather information and facts needed by the people to legislate and oversee Federal agencies, as I have said before, we, as a Congress, must adopt this resolution. We must stand up for the people's right to know what happened in this payoff.

The substitute resolution I have offered will authorize the Speaker to certify to the U.S. Attorney only the refusal of Henry M. Banta, Robert A. Berman, and Danielle Brian Stockton to answer questions while appearing under subpoena before the Committee. This is done in light of new evidence suggesting that POGO and Banta paid Berman for influencing regulations. And that documentation is in the report. This is a very serious felony.

There is no longer an interest in grouping Mr. Rutter and the other officers or directors of the corporation known as POGO with serious felons. Nor does the Committee on Resources wish to needlessly compound the charges by having Banta and Stockton face two misdemeanor counts each along with the serious charges which now seem certain.

My colleagues will hear that this is all about big oil, it is about a so-called whistleblower. This is nothing to do with the whistleblower. In fact, the whistleblower testified before our committee that the suit was filed on top of his so they could gather the money to be paid to these Federal employees.

It is probably one the most corrupt actions by Federal employees under a sealed document where they issued information that was confidential to, in fact, receive reimbursement.

This is about this Congress and the next Congress and the Congresses in the future. If we do not adopt this resolution, then we have said to ourselves that this Congress no longer counts in seeking the truth.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this matter this morning is a serious matter because potentially for three citizens of the United States criminal liability may attach. But as serious as this matter is for those three individuals, this matter is not about what the chairman of my committee just said it is about.

This is about three or four individuals that blew the whistle on a plan by 15 oil companies to deny the American taxpayers of the revenues that they were entitled to through the royalty program for oil taken off of the public lands that are owned by the people of the United States.

Since that whistle has been blown and that program was discovered and the intentions were made known, this committee served not a single subpoena on those oil companies, this committee sent not a single letter to those oil companies asking them how they could defraud the Government of the United States.

Instead, this committee rounded up four individuals and started badgering them in a hearing that had no definition, no parameters, and changed direction numerous times.

But the core finding is clear and convincing. Fifteen oil companies settled for almost half a billion dollars, settled. How much more of American taxpayer has been denied we will not know because of that settlement. This is about what happens to an American citizen when the full force and effect of the Federal Government and the Congress of the United States comes down on their head because this was not a situation where these citizens have been charged with anything, indicted of anything, tried for anything, or convicted of anything. There is a notion in the majority's head that these people somehow are involved in criminal activity. So far, the only showing of any of that will be if the suggestion is that some criminal liability attaches for failing to answer the question.

But, mind you, the Supreme Court of the United States is very, very cognizant of the force and the effect of the United States Government when it comes down on a private citizen; and it says that, when it asks a citizen a question in a hearing like this, it must do something that is very important, it must show that citizen, because that citizen must make a snap decision because liability attaches as to whether or not they are going to ask that question over and over, the Supreme Court has told this Congress of the United States that it must show them that that question is pertinent to the investigation.

Now, the questions that they asked these individuals were questions where they were wandering around in side-bar litigation that had nothing to do with the writing of the regulations. And these witnesses, while they provided thousands and thousands of documents, while they have answered hundreds and hundreds of hours of questions in depositions and elsewhere, where the committee, in fact, had the evidence that they were seeking in the depositions in the other case, they have now decided that they are going to make victims of these four people.

The victims here are the taxpayers of the United States who were defrauded of half a billion dollars or more by 15 oil companies.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 8 minutes to the good gentlewoman from Wyoming (Mrs. CUBIN), the chairman of the subcommittee that conducted most of the hearings.

Mrs. CUBIN. Mr. Speaker, I rise today because I have a solemn duty to

inform the House of the investigation which I, as the chairman of the Subcommittee on Energy and Minerals, was assigned to lead.

I am very saddened by the remarks of the previous speaker because he knows very well that is not what this case is about.

I rise today to uphold this body's constitutional right to conduct lawful and thorough investigative oversight hearings on issues that are important to the American people. This is not something that we choose to do. This is something that we swear we will do when we raise our hand and take the oath that we will support the Constitution and the laws of this body.

This issue actually stems from the filing of a False Claims Act lawsuit in a Federal courthouse in Texas by two whistleblowers who uncovered royalty underpayments by major oil companies to States, local governments, and to the Federal Government.

The fact is these two whistleblowers are named Benjamin Johnson and John Martinek. These are the good guys. These are the private citizens who exposed the major oil companies' underpayment of royalties. They are responsible for getting an additional $400 million for Federal, State, and local governments, in other words for American citizens.

Johnson and Martinek should be commended for their efforts in stopping this illegal practice. There is no question in anyone's mind that the oil companies should pay every single penny that they owe in royalties. That is in everyone's best interest. It is the law and it must be done.

But the problem in this case is that the whistleblowers case was sealed in the Eastern District of Texas, and what that means is no details of the suit could be released outside the courthouse but the very existence of the suit could not be established either. The existence had to be kept secret.

However, somebody leaked the details of that secret lawsuit to the Project on Government Oversight (POGO). That insider information allowed POGO to file a nearly identical lawsuit in the same court in Eastern Texas.

Now, could that be a coincidence? No, when we consider there are 91 Federal courts in the United States.

The Committee on Resources investigation focused on two Federal employees, Robert Speir and Robert Berman. Mr. Spear is with the Department of Energy. Mr. Berman is currently an employee with the Department of Interior. They are suspected of leaking the details of that lawsuit to POGO.

Again, the whistleblowers are the ones who filed the original suit. Well, POGO had been lobbying looking for a lawsuit to file, and they also had been lobbying for changing oil valuation rules. These two employees' rewards for doing what they did, for releasing the information and for assisting in changing oil valuation rules, were rewarded $383,000 each already. They had a signed agreement that they would be awarded that amount of money and, if the agreement had been adhered to, they would have received another $4 million between them.

Just a few days ago, the Committee obtained from the Department of Justice the smoking gun, which establishes that at the very time POGO and the two Federal employees were conducting this arrangement, that Robert Berman, the Interior employee, was actively engaged in drafting a new regulation dealing with the collection of oil royalties.

These regulations were being sought by POGO. The regulations indirectly benefit POGO chairman and directly benefit his clients, who are in the business of collecting oil royalties.

The key players in the investigation were issued subpoenas, as was stated by the chairman of the Committee on Resources, but they refused to answer questions. The Subcommittee on Energy and Mineral Resources asked Danielle Brian Stockton, the executive director of POGO; Henry Banta, the chairman of the POGO board; and Bob Berman questions.

Let me tell my colleagues the question that they were asked, direct questions about how POGO and the Federal employees learned about this sealed lawsuit in the Eastern District of Texas.

This is a quote from the Record.

Mr. Banta: ''I believe that issue is not pertinent to the inquiry of this Committee.''

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Ms. Brian: ''I will not answer that question because of my pertinence.''

Mr. Berman stated another answer to another question: ''I will not answer this subcommittee's questions.''

In other words, these people were saying they would determine what were pertinent questions for them to be asked in our investigation. They were saying they would decide what questions could be asked and be made pertinent.

Ask yourself, how well would the American people have been served if the tobacco company executives refused to answer the questions that they were asked?

Ask yourself, will Firestone and Ford Motor Company executives have to answer questions put to them by committees when the committees are trying to protect the safety and the very lives of American people?

The Constitution and the rules of the House of Representatives are clear on this point. The House must conduct oversight hearings, and the House and only the House is the judge of what answers they need to questions in a thorough oversight review.

I have to remind you, we are not here today to vote on the guilt or the innocence of the three people who are cited in this resolution. That is up to the Department of Justice, which at this very time is conducting an investigation into all of the activities having to do with the payments and the proceeds of the lawsuit. Our job is to vote on the resolution to adopt this report, saying that the Speaker is authorized to present the facts of this report to the United States Attorney for the District of Columbia. The United States Attorney will then place the matter before a grand jury. The grand jury, not the House, will decide whether any or all of these parties will be found with contempt. The people cited in this report have defied this body's constitutional right to ask the why and the how about the largest payoffs ever accepted by Federal employees. The American people have a right to know. That is the nature of today's resolution.

I hope that everyone will vote in support of the authority of the Congress of the House of Representatives.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, the esteemed chairman said earlier this is a question about whether Congress no longer counts in seeking the truth. The question is bigger than that. The question is does Congress count in seeking the whole truth? This is a scandal of huge proportions. A smaller scandal during the Harding administration, Teapot Dome, rocked Washington and the country, brought down powerful figures.

The American people were defrauded of $438 million, at least, by Big Oil. And who is our committee pursuing? A few individuals and a nonprofit. The chairman talked about the huge payments these folks got. Guess what? There may have been some improprieties. It is being investigated. But their huge payments are less than one-tenth of 1 percent of the money of the fraud that was committed by the largest oil companies in the world against the American people, the American public and the Americans' resources. I would be willing to pay one-tenth of 1 percent to uncover these sorts of corruption and underpayment. These are the same companies, of course, that today are ripping off the American consumers. Their earnings have doubled. Number one, of course in doubling of earnings is Exxon Mobil, $58.8 billion. Not bad. They were number three here in defrauding the American public.

Now, how much time has the committee spent subpoenaing the very well-paid CEOs and highly paid executives of these companies? None. Zero. None. Not one second has been spent by the majority in investigating what Big Oil did to defraud the American public and whether that fraud is still going on today, because these huge profits are coming from somewhere. We know they are coming from the American taxpayers' pockets. Is it also coming from our precious natural resources? Are they still underpaying? We do not know. Because the committee has no time for that. But it can relentlessly

pursue a couple of low-ranking government officials who uncovered this fraud.

This is a fraud on the American people. This whole process is a fraud on the American people.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 4 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE), a member of the committee that really sat in on this program.

Mr. ABERCROMBIE. Mr. Speaker, I rise in support of this request of the body.

Mr. Speaker, because of the activities of some other committees in this Congress, the investigation power, the oversight responsibilities of the Congress and its committees has come into some disrepute. There is no question about that. And anytime you do oversight and investigation, you are bound to have the kinds of emotional responses such as we just heard, because there are very real issues involved, fraud, deception, misrepresentation, et cetera.

I am sorry to say that the character and the tenor of some of the investigation activities has resulted in, I will not say contempt for but certainly suspicion of any activities by any congressional committee with respect to its investigation and oversight responsibilities. This goes all the way back to the time of the un-American activities and un-American activities committees, all their notorious investigations which had as their object I think by general conclusion of history at least the humiliation of other people and the pursuit of partisan purposes which had very little to do with the ostensible investigatory objectives which were announced when these investigations and inquiries began.

But, Mr. Speaker, I have concluded that this particular investigation and the manner in which it has been conducted, regardless of whether it should have been broader or should have been deeper, gone into other things, those are legitimate questions that could be raised and the chairman can answer it or not answer it as he will. But with respect to the activities that are cited in this resolution, I think we have to uphold not only the right but the obligation of the committee to pursue it. There is enough information here to convince me that a serious breach of public trust may have occurred. The grand jury must be given the tools it needs follow this investigation wherever it leads, and this report is one of those tools. Congress has an oversight responsibility, no matter which party is in the majority. If I refuse to support this report, this resolution, I believe I am undermining the authority of future Congresses, including ones with Democratic majorities, to exercise their oversight responsibilities.

I cannot answer for other people's motives. If you want to insist that the Republicans are doing something for partisan reasons or the Democrats are responding for partisan reasons, you can do it. I cannot be responsible for those kinds of things. I can only answer for my own. I have seven pages of bills that I have been associated with, including committee responsibility in the area of minerals and oil and royalties where I think I can stand on my record.

So I want to refer then to what I think are the compelling reasons here. The power of future Congresses to exercise oversight of Federal agencies and to uncover waste, fraud and abuse by using its constitutional authority to compel testimony and evidence will be severely harmed if the report is not adopted. This Congress must pursue this matter and seek sanctions for the refusal to answer questions about it. And, finally, the U.S. Attorney may not act unless the House passes this resolution. That action cannot be deferred because the underlying subpoenas expire with the 106th Congress, so a Federal grand jury impaneled in the District of Columbia needs to receive it. Voting for the report does not constitute a verdict or an indictment. The report if passed will allow the grand jury to do its work.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, I rise to oppose this resolution in the strongest possible terms. This highly-partisan, misguided resolution has absolutely no business being on the floor of the House today in the final hours of this session.

As many of my colleagues know, I have been involved for years working on issues related to Federal oil royalties and I have worked tirelessly in a bipartisan way along with the gentleman from California (Mr. HORN) of the Committee on Government Reform. What we looked into, put simply, is that we discovered that the oil industry is required, of course, to pay royalties to the Federal Government based on the value of the oil taken out of the Federal land that is owned by the people of this country. But what we found is that they were paying prices to the government that was much lower than the price that they were paying themselves. They were keeping two sets of books, one for themselves and one for the people of America. And guess who was making the record profits? The oil companies.

The gentleman from California (Mr. HORN) and I issued several reports; and as a result of our hearings and investigations by GAO that documented the underpayment, there has been a change in the way that the oil companies now pay the Federal Government. They now pay market price. That is what is fair. When you look at these settlements, POGO has been part of lawsuits that have resulted in $438 million coming back into the Federal Treasury. That is a lot of teachers, that is a lot of roads, that is a lot of police officers. They did good work in uncovering fraud and abuse. $438 million. And because of the change in the formula now, OMB projects there will be 66 additional million dollars coming into the Federal Treasury because the oil companies will be paying market price.

Yet instead of looking at the systemic underpayment, and they uncovered seven different ways that they underpaid the government, yet this committee did not have one hearing on the systemic underpayment by the oil companies. And here they are. Why do we not have some hearings on this? As my colleague pointed out, there is an article today in the Washington Post and it reports that the highest energy prices since the 1990 Persian Gulf crisis have produced a financial bonanza for the Nation's three largest oil companies which yesterday reported quarterly profits totaling a record $7 billion, double last year's earnings.

Mr. Speaker, I include for the RECORD other editorials that have appeared around this country.

[From the Casper Star-Tribune, July 28, 2000]

CUBIN GOES ASTRAY WITH ATTACK ON WHISTLEBLOWERS

Wyoming's lone representative in Congress, Barbara Cubin, seems to have lost her way. Cubin has been using her House Energy subcommittee to launch an attack on the nonprofit watchdog group, Project on Government Oversight (POGO). POGO investigates whistleblower allegations that certain mineral industries are cheating the American public by not paying royalty payments when taking mineral resources found on federal land—as required by law.

Recently, a number of oil companies settled a lawsuit filed by POGO that alleged that they systematically underpaid royalties on oil produced. POGO gave a portion of that settlement as public service awards to two federal employees who helped POGO make its case against the oil companies.

Under Cubin's direction, her subcommittee is investigating those service awards, instead of those companies accused of cheating the American taxpayers by underpaying on federal royalties.

We take no position on whether POGO broke the law by offering the awards or whether the federal employees did by accepting them. However, fairness demands that if two employees working to uncover royalty fraud should be victims of a politically motivated investigation, then surely the subcommittee's attention should be directed at the oil companies that have settled lawsuits alleging that they cheated the public out of vast amounts of money over the years.

One doesn't fix the system by attacking those who are trying to ferret out fraud. Cubin should turn her attention to the problem of royalty underpayment, which would be a more legitimate exercise of the power of her subcommittee.

The direction Cubin has taken with her subcommittee makes one wonder whether her loyalties lie with the American taxpayer or with the extractive industries that contribute so much to her campaign fund.

[From the Anchorage Daily News, May 16, 2000]

YOUNG FORGETS WHISTLE-BLOWERS' VALUE, RISK

(By Stan Stephens, Walter Parker and Billie Garde)

Recently, a subcommittee of Chairman Don Young's House Resources Committee began to hold hearings on the activities of a watchdog group, the Project On Government Oversight. Those activities included a lawsuit filed by POGO that alleged that oil companies were shortchanging the government on royalty payments for oil leases on federal land. POGO filed the lawsuit under the False Claims Act, which allows a group or individual to sue a private company they believe is defrauding the government. The act also grants them a percentage of any fine levied as a result.

Young took umbrage with the fact that POGO, upon being awarded a $1.1 million settlement in the case, paid two whistle-blowers $380,000 each for their decadelong work in bringing these abuses to light.

Never mind that the oil industry settled the case for more than $300 million, all but admitting that it indeed had been stealing from the federal government for years. That apparently didn't phase Young in the slightest. By the way, it should be mentioned that the two whistle-blowers are federal employees, one of whom works for the Interior Department—certainly not Young's favorite agency.

It is unfortunate that Young has paid attention solely to the issue of the payments made to the whistle-blowers. Ignored in this entire affair is the fact that two whistle-blowers saved the American people hundreds of millions of dollars. Now they are being retaliated against in the most draconian manner by Young.

Unfortunately, this conforms to the pattern that so many whistle-blowers have seen before. Instead of having their allegations investigated, they find themselves the target of investigations and in most cases outright harassment and intimidation.

Last February, Young issued subpoenas to POGO asking for, among other things, copies of the executive director's home telephone records. It is remarkably odd that Alaska's congressman, who prides himself on his patriotism and strict adherence to the Bill of Rights, would so invade the privacy of a U.S. citizen.

Would that the Interior Department issue a subpoena asking for Don Young's home telephone records! The resulting outcry from the ''congressman for all Alaska'' would resound from Washington, D.C., to Fort Yukon and back again. Twice.

The recent actions of the House Resources Committee bring to mind an incident in the early 1990s that many Alaskans are sure to remember. After the Exxon Valdez spill, Alyeska Pipeline Service Co. enlisted its security firm, the Wackenhut Corp., to investigate a number of environmental activists hoping to ferret out a whistle-blower. Wackenhut proceeded to place taps on telephone lines, sift through trash bins and even set up a phony environmental law firm hoping to gain the trust of key individuals.

When these actions were exposed, a congressional inquiry was held with committee hearings that included Young. Congress rigorously denounced the actions of both Wackenhut and Alyeska.

Young agreed, though some people would say with little enthusiasm, that whistle-blowers who risk their careers and in some cases their personal safety should not suffer retaliation, harassment or intimidation but should instead have their allegations properly investigated. One must wonder if Young has forgotten those events of only a few years ago now that his actions so closely resemble the very whistle-blower retaliation he admonished.

Further inquiry into the POGO matter reveals that indeed Young's allegations are baseless. He condemns the payments to the whistle-blowers yet ignores that POGO sought professional legal and accounting advice on how to report the payments to the IRS. He also ignores the fact that POGO informed the Justice Department of its intention to make the payments before it did so.

Whistle-blowers are a unique and integral part of exposing fraud, deceit and malfeasance in industry and government. Very often, they are risking ostracism from their colleagues, unjust firings or transfers, and other forms of reprisal.

They deserve our support in their efforts to make workplaces safer, the environment cleaner and both industry and government less riddled with graft and corruption. It seems that our congressman needs once again to be reminded of that.

[From the New York Times, Oct. 27, 2000]

HOUSE MULLS RARE CONTEMPT CITATION

WASHINGTON (AP).—Despite the rush toward adjournment, the House is pressing ahead on criminal contempt charges against a small, private watchdog group called POGO—the first such proceeding in nearly two decades.

Capitol Hill supporters of the group, the Project on Government Oversight, maintain the contempt citation was retribution by some lawmakers for POGO's campaign against major oil companies that have been accused of shortchanging the government of millions of dollars in royalty payments.

The contempt case has been pursued most vigorously by two oil-state lawmakers—Republican Reps. Don Young of Alaska and Billy Tauzin of Louisiana.

They denied any retribution and said POGO's executive director and a board member were being charged with contempt of Congress because they refused to answer several questions at a hearing earlier this year on the group's involvement in the oil royalty cases.

If found in contempt, the two officials—Danielle Brian and Henry Banta—could face up to a year in prison and a stiff fine, although the decision would be subject to appeal in the courts.

Some Democrats accused Young of pursuing the case as a favor to the oil companies stung by POGO's successful pursuit of the royalty underpayments.

Rep. George Miller, D–Calif., said Thursday that while Young has aggressively pursued POGO, the House Resources Committee has held no hearings on the oil royalty abuses themselves.

Instead, Miller, the committee's senior Democrat, said Republicans were seeking to ''punish a small nonprofit organization for exposing illegal actions.''

''It's revenge on this government watchdog that had the nerve to stand up and make Big Oil pay,'' said Rep. Carolyn Maloney, D–N.Y., who has been among the most vocal critics of the federal royalty payment system.

Republican House leaders decided Thursday to bring the contempt resolution up for a floor vote Friday on what could well be the last day of the 106th Congress.

The last criminal contempt resolution to be brought to the House floor occurred in 1983. Its target was Rita Lavelle, then head of the Superfund program at the Environmental Protection Agency, who had refused to appear before a House committee.

In 1997, POGO joined a Texas lawsuit against nearly a dozen major oil companies accused of underpaying the government on royalties. The case has produced nearly $500 million in settlements. POGO did not benefit from most of those settlements, but was awarded $1.2 million from one of the earlier cases.

When the group decided to share $700,000 of the money with two government workers who had been trying to correct the royalty abuses it caught the attention of Republican lawmakers. The House Resources Committee that Young chairs began an investigation into whether there was an improper payoff.

No evidence of such has surfaced, although the Justice Department continues to investigate.

In an interview, Brian said she and Banta had answered questions about the settlement but that the committee sought details about the litigation still under way in Texas against the oil companies.

''They started asking questions that had nothing to do with our decision to turn money over to the whistleblowers,'' she said Thursday.

[From the New York Times, May 24, 2000]

SEE DON JUMP, JUMP, DON, JUMP

Any public servant should be glad to see a vast taxpayer rip-off exposed and set right.

Not representative Don Young, chairman of the House Committee on Resources. He's harassing independent watchdogs at the Project on Government oversight.

POGO's offense? Pursuing investigations and lawsuits that helped the Treasury recovery some $300 million . . . from Young's generous political patron, the oil industry.

Mobil, Chevron, Texaco and other settled out of court, all but admitting that they cheated U.S. citizens out of money owed for oil pumped from public lands. Exxon, Unocal, Shell and other face a trial in September on the same charge.

Federal law allowed POGO and other watchdogs to share a fraction of the recovered money as a reward. POGO divided its share with two whistleblowers who risked their government jobs to expose the rip-off.

This generosity gave Don Young a pretext, and last year he launched an investigation of POGO, with recent hearings in Washington.

The only thing revealed so far—Young's willingness to abuse his power. His subpoenas are over-reaching. Committee members and staff have badgered and berated witnesses, who are barred from making opening statements on their own behalf.

''This is not a committee in search of the truth, this is a committee meant to punish,'' says POGO Director Danielle Brian.

''This committee has been used time and again on behalf of special interests who find themselves on the wrong side of the law,'' says Representative George Miller. He calls the hearings ''a witch hunt,'' noting Young has never held hearings on the oil companies' malfeasance.

See how money in politics works? It can lead ''public'' servants to jump to the aid of their cash constituents, the public interest be damned.

See Don jump, Jump, Don, Jump.

[From the Washington Post, Mar. 15, 2000]

U.S. ANNOUNCES A NEW ROYALTY SYSTEM FOR OIL FROM FEDERAL LAND

(By Dan Morgan)

After a four-year battle with the oil industry and its supporters in Congress, the Clinton administration announced yesterday a new system for collecting an additional $67.3 million a year in royalties on crude oil pumped from federal land and leased offshore tracts.

The new pricing system, which will take effect June 1, was a victory for state governments, public interest groups and members

of Congress who have long contended that the royalties were leased on an artificially low valuation for the oil.

In the future, prices will be pegged closer to the spot, or fair market prices, instead of to an arbitrary value at the wellhead.

Oil industry officials were sharply critical and said they were keeping open the option of asking the courts to review the new federal rule, pending a closer study of the complex provisions unveiled by the Interior Department's Minerals Management Service.

''We're disappointed. The agency missed an opportunity to take a complex system and make it less complicated and fairer,'' said Ken Leonard, a senior manager at the American Petroleum Institute. He predicted that disputes over pricing would continue, with more litigation and costs to taxpayers.

But Rep. Carolyn B. Maloney (D-N.Y.), who had pressed for the change, hailed yesterday's announcement as one that would ''bring to an end the decades-old scam that has permitted big oil companies to rip off the American taxpayer.''

Exxon Corp., Chevron Corp. and Shell Oil Co. are among the companies affected by the new pricing mechanism.

Companies have paid about $300 million to settle claims of past royalty underpayments. But industry allies, led by Sen. Kay Bailey Hutchison (R-Tex.), stalled a new pricing mechanism until last fall, when Republicans and the administration finally reached a deal.

Under the new system, nine states will receive about $2.4 million in new revenue annually out of the larger royalty payments to the federal government. The amounts involved are small compared with the $1.2 billion that the federal government was paid in 1998 for oil produced on public land and offshore tracts.

A government watchdog group, the Project on Government Oversight, has been pressing for a revamping of the royalty system since 1993 and took credit yesterday for focusing public attention on the issue.

But its activism has itself draw fire from Republicans in Congress. On Feb. 17, the House Resources Committee issued a subpoena for the organization's phone records, as part of an investigation of its payments by whistle-blowers who revealed royalty underpayments for oil pumped from federal land.

Last week, the American Civil Liberties Union told the House panel in a letter that the subpoena threatens freedom of speech and could chill efforts by citizens groups to root out waste, fraud and abuse.

I would like to read one part of the editorial in the Anchorage Daily News:

''Ignored in this entire affair is the fact that the two whistleblowers saved the American people hundreds of millions of dollars. Now they are being retaliated against in the most Draconian manner.''

We should stand up for whistleblowers, not abuse them. Rather than protecting the public, the Republicans on this committee once again are protecting the powerful. Rather than working toward a national energy policy, the Republicans on this committee are working for the giant oil companies. Why are they not having some hearings on how they worked to abuse the American people by underpaying what is due them? POGO did not rip off the taxpayers. The oil companies ripped off the taxpayers, and they admitted it by paying over $400 million in underpayments. Would they be paying it if they were innocent?

Mr. Speaker, I feel this is terribly misguided. Why are we not looking at energy policy? Why are we not investigating the underpayments of oil to this country? Why are we abusing whistleblowers who have come forward to help us learn how we can better make government work for the people of this country and close abusive loopholes like the one that existed for years where the big oil companies kept two sets of books, one for themselves, one for the American public and the American public lost billions and billions of dollars?

Mr. Speaker, I rise today to oppose this resolution in the strongest possible terms. This highly partisan, misguided resolution has absolutely no business being on the floor of the House today in the final hours of this session.

As many of my colleagues know, I have been involved in issues relating to Federal oil royalties for a number of years, and I have worked tirelessly in a bipartisan fashion on these issues.

Put simply, in return for taking oil from federal lands, the oil industry is required to pay royalties to the Federal government based on the value of the oil they take.

In 1996, after learning that numerous major oil companies were paying royalties based on prices that were far lower than the market value of the oil they were buying and selling, Mr. HORN and I held a hearing before the Government Management, Information and Technology Subcommittee to look into this issue.

At one of those hearings, whistleblowers and oil industry experts Robert Berman and Robert Speir testified despite considerable resistance from their departments. Project on Government Oversight Executive Director Danielle Brian also submitted written testimony about Federal royalty underpayments.

These hearings and subsequent investigations by the GAO led us to conclude that numerous major oil companies were paying royalties based on prices that were far lower than the market value of the oil they were buying and selling.

Our hearings showed that many of these companies were underpaying royalties, costing the American taxpayer nearly $100 million a year. Many companies were sued by the Federal government for deliberate underpayment of royalties.

Most have elected to settle and, to date, over $300 million has been collected. States and private royalty owners have collected almost $3 billion more including $17.5 million for the state of Texas and $350 million for California.

I know that these settlements are not technically admissions of guilt, but they are the closest thing to them that you'll ever get out of companies like Mobil, BP Amoco, and Chevron.

Finally, the Interior Department's new oil-valuation rule, which was announced earlier this year, will save the taxpayers at least $67 million each year. Approximately $2.4 million of this revenue will be shared with states.

This revenue will put additional teachers in the classroom and preserve our natural resources.

I want every Member in this body to understand this history in order to understand the context of this ill-conceived resolution.

Now, we have finally succeeded in changing the regulations to ensure that the Federal government is fairly compensated for oil taken from Federal lands. We have finally made this change that will return $66 million a year to the Treasury.

Now, this Congress wants to turn around and persecute and harass the Project on Government Oversight (POGO) a small, nonprofit, government watchdog organization, dedicated to exposing fraud and corruption. Why? Because POGO went after major oil companies and exposed their fraud against the taxpayer—a fraud that was costing us hundreds of millions of dollars in unpaid oil royalties.

And now the oil companies are getting their revenge. They are out to punish POGO and its director, Danielle Brian, for the organization's successful efforts on behalf of the American people.

Mr. Speaker, this is completely unfair and makes absolutely no sense.

Some of my colleagues may remember the last time Congress attempted to hold someone in contempt—it was in 1983, the case of Rita Lavelle, the Director of the Superfund Program under EPA. Ms. Lavelle, a high ranking government official, flat out refused to even appear before the committee investigating her actions.

What we are doing here today in the last moments of the Congress, is attacking a small, nonprofit organization who dared to stand up to the big oil companies. Why didn't they answer some of the committee's questions? Because they had absolutely nothing to do with the committee's supposed investigation.

What really disappoints me about this entire process is that the Resources Committee and the majority have refused to focus on the issues that really matter—they have refused to investigate royalty underpayments, and they have refused to look at legitimate ways to alleviate high energy prices.

So here we are on the floor in the final hours of the 106th Congress, and instead of talking about prescription drugs or smaller class sizes, we are engaging in a partisan witch hunt against a small government watchdog because they stood up to the big oil companies.

Here we are just days before one of the most important elections of our generation.

You would think the majority would be rushing to prove to their constituents that they care about prescription drugs, a patient's bill of rights, small class sizes—but no. Tonight we are engaged in a pathetic act of revenge—revenge on behalf of the oil industry.

So I would say this to my friends on the other side of the aisle, if you represent a marginal district, and you want to go on record in support of big oil, vote for this resolution.

If you want to go on record opposed to an organization whose sole purpose is to eliminate waste, fraud, and abuse, vote for this resolution.

If you want to follow the lead of Governor Bush and Secretary Cheney and do whatever the oil companies want, vote for this resolution.

But if you care about fairness, if you care about good government, oppose this resolution, stand up to big oil, and let's get on with a debate on issues that matter to the American people.

Mr. Speaker, furthermore, I would like to say, at a time of record high oil and gas

prices, as well as record profit-taking by Big Oil, Republicans in this House have chosen, as their only course of action, to punish a nonprofit organization for exposing illegal actions by giant oil companies who ripped off the American taxpayer for hundreds of millions of dollars.

Rather than protecting the public, the Republicans, once again, are protecting the powerful.

Rather than working toward a rational energy policy, the Republicans are working for the giant oil companies.

POGO did not rip off the taxpayer. The oil companies ripped off the taxpayer. That has been proven in case after case where the companies themselves have settled this issue to the tune of $438 million.

This case involves systematic, multibillion dollar underpayments of oil and gas royalties owed to the taxpayers who own these resources. Under prosecution by the Department of Justice, all of these oil companies have settled their outstanding debts by agreeing to pay $438 million.

But the Resources Committee has failed to investigate those systematic underpayments or the system that permitted them; instead, the committee has run to the defense of the oil industry by investigating those who exposed the underpayments while the real perpetrators, their strong political supporters, get away free.

Yesterday, the Washington Post reported that ''The highest energy prices since the 1990 Persian Gulf crisis have produced a financial bonanza for the nation's three largest oil companies, which yesterday reported quarterly profits totaling a record $7 billion, double last year's earnings.''

The majority asserts that this Contempt Resolution is necessary to protect the right of the House to define the target and scope of oversight.

However, this Resolution would not be necessary IF the Majority had adequately and properly defined the target and scope of oversight.

This has not been the case in this investigation. Witnesses were not allowed to make opening statements. The necessary quorum was not present at the time the committee charged the cited individuals with contempt. They prevented Members from asking questions of witnesses. They prevented witnesses from making opening statements or defending themselves.

All but one of the Democrats present at the committee meeting voted against the Resolution because ''the Republican Majority's unilateral conduct of the investigation . . . has been biased, procedurally flawed and abusive of the rights of witnesses and Members.'' We also noted that the Majority's case was incredibly weak and ''will not survive balanced judicial review.''

We do not dispute the right of the committee to investigate the POGO payments.

We do not dispute the essential facts surrounding the POGO payments.

In November 1998, POGO got about $1.2 million, or 2 percent, from the settlement and it paid Mr. Berman and Mr. Speir $383,600 apiece out of its share.

The Majority suspects but has not proved foul play in POGO's decision to make those payments.

POGO characterizes the payments as ''awards'' for the two men's ''decade-long public-spirited work to expose and stop the oil companies' underpayment of royalties for the production of crude oil on federal and Indian lands.''

Since December 1998, the matter has been under investigation by the Inspector General of the Department of the Interior and the Public Integrity Section of the Department of Justice—as it should be.

The appearance of impropriety created by the payments warrants investigation, but by the proper authorities and we supported the Majority's motion adopted by the Committee on Resources to release to them relevant committee records.

It is for the appropriate law enforcement agencies and, ultimately, the courts, to decide if any laws were broken.

This is particularly the case where, as here, the targets of the Resources Committee's investigation are not senior policy officials, but private citizens or low-ranking civil servants, and where, as here, the committee has shown a strong bias against the targets of its probe.

This contempt resolution is a weak case to present to the House, which last sought to invoke statutory contempt powers in 1983. And even if adopted by the House over our objections, any attempts at prosecution based on this Resolution will not survive balanced judicial review.

That is because the Majority's wrath, primarily directed at POGO, a nonprofit government ''watchdog'' group—has skewed their objectivity.

The Majority has conducted this investigation in a manner that serves the interests of lawyers for oil and gas companies involved in pending royalty underpayment litigation as well as those who are currently challenging in federal court royalty valuation regulations recently issued by the Department of the Interior to curb royalty payment abuses.

The Majority is confusing the DOJ criminal investigation (i.e., whether there were illegalities in POGO's arrangement to share the proceeds of the False Claims Act settlement with the two employees) with the Contempt of Congress issues. The issue that should be before the House in the contempt resolution is whether the committee's investigation was properly conducted under the Rules and the questions at issue asked with adequate foundation to be deemed ''pertinent'' under the contempt statute, as strictly construed by the judiciary, all the elements must be proven beyond a reasonable doubt, as is the case with any criminal statute. We argue in the dissenting views that they abused the rules and rights of witnesses and failed to establish, as required by the Supreme Court, that the questions were ''pertinent'' at the time they were asked.

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Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is not about the whistleblowers. These were people that divulged information; they were not the whistleblowers, and this constant smoke screen actually disturbs me, because nobody read the report.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BRADY), who also sat on the committee that had these oversight hearings.

Mr. BRADY of Texas. Mr. Speaker, I rise to explain the section of the report dealing with one of our government employees, Mr. Robert Berman, and how he failed to comply with the subpoena for testimony before the Subcommittee on Energy and Mineral Resources on July 11 of this year.

Let me tell you though why we are not here today. We are not here, even though, as I see it, evidence shows that a special interest group paid two of our government officials, who illegally and unethically used their insider information gained from their position of public trust to line their pockets and that of a special interest group. That is corruption, and it is wrong. But that is not for Congress to decide; that is for the courts to decide.

We are here for something even more important than that. It is to ensure that when Congress seeks the truth for the American public, when we ask a fair question on a serious matter, that we receive an honest, timely answer. It is the authority Congress needed to get to the truth behind Watergate. It is the authority Congress has needed to question industries who deny that they sell their products to young minors. It is the authority we require to expose the IRS when they break their own rules to harass taxpayers. It is the authority we require to hold companies accountable when they sell unsafe products; when the government reaches agreements to sell nuclear weapons to rogue nations. It is the authority of Congress to seek the truth, and while we may not like doing it, it is our obligation.

Let me tell you, in each of those cases, you heard the same compliant: it is a witch hunt; we are being manipulated; this is Big Oil; this is Big Something; we are the good guys. But the fact of the matter is, with these two government insiders and this special interest group, they are not the good guys. We are simply seeking the truth.

First, for the record, let me tell you, Mr. Berman is an employee of the U.S. Department of Interior who received a large amount of money in return for access and information. He was responsible for analyzing developing oil royalty policy for the Interior Department.

All the available evidence, even POGO, the special interest group's own statements, suggest Mr. Berman was paid as a government insider because he agreed with these groups and had the access and information to provide them. That is against the law. He knows it was wrong. He knows that Congress has every right to ask him about that.

Think about this: if someone comes to you at your job and says, ''Look, do not tell your boss this, but you are working on a key project for us. We would like to make you part of a lawsuit so that when we receive dollars in settlement from this, we can pay you for that information. Now, do not tell your boss, do not remove yourself from that project, because this is how the agreement works.'' You would know something was wrong.

Mr. Speaker, I would like to continue, because it gets worse than this.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, the Subcommittee on Government Management of the then Committee on Reform and Oversight dealt with the Minerals Management Service for a number of months. Let me read you our conclusion. It is titled ''Crude Oil Undervaluation, the Ineffective Response of the Minerals Management Service.'' This was approved by the full committee.

''The Minerals Management Service needs to review its operations to ensure that the amounts which are owed to the Federal Government are collected in a timely fashion. For years, oil companies were able to use complex transactions to disguise premia the whole formulas on the crude oil from the Federal regulators. Now that the Federal Government has determined that there are hundreds of millions of dollars of additional payments owed, Minerals Management must aggressively pursue this problem to protect Federal financial interests. The Minerals Management Service has failed to do so. There is still time to accomplish this task. Until that happens, the crude oil undervaluation issue is a serious hole in the Federal budget deficit that amounts to perhaps $2 billion nationwide for crude oil leasing. This is a problem that is preventable and requires the attention of senior management in the administration.''

This is, frankly, one of the most fouled-up bureaucracies I have seen in 6 years of oversight within the executive branch.

Now, I can see how some of my colleagues on other committees might be bothered by anybody that is trying to lie before you. But the question is, should Congress do it, or should the United States Attorney do it?

Personally, I think some of this has to do with POGO. Now, I wish we had a few more POGOs around here that were watchdogs on the bureaucracy, and perhaps the money that they gave is what bothers a lot of my colleagues.

But the fact is, if that is the way we get information, fine. The POGO operations, I do not know how they run their business, and I really do not care. What I do care about is that we get whistleblowers to tell us the truth.

Mr. Speaker, I am going to vote against this contempt citation. I think it is wrong; it should not be in this House. It should be with the United States Attorney, and it should go before a Federal grand jury, if that is a problem. If the lawyer gave one of the witnesses advice and it is bad advice, such as saying take the fifth, or whatever it is, that is another issue.

I do not think we should be cutting off whistleblowers.

There is a lot of fraud, misuse, in the amount of billions of dollars in the executive branch.

We should encourage whistleblowers.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, the gentleman from California misstates. These were not whistleblowers; these were Federal employees divulging confidential information. The whistleblower himself says that they did the wrong thing. That is not a whistleblower.

Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. TAUZIN).

(Mr. TAUZIN asked and was given permission to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, this matter involves two things: the first is the facts, so let us get the facts straight. We are talking about a whistleblower lawsuit on royalty valuations that amounted to about a $400 million claim.

It was not brought by POGO. This whistleblower lawsuit was brought by a whistleblower by the name of Johnson. Johnson filed suit against Shell. Johnson was entitled, under the whistleblower statute, to 17 to 20 percent of the winnings if this whistleblower suit won.

Now, we have these things in Louisiana a lot. The oil companies fight with our State over oil royalty and gas royalty valuations all the time. Some are legitimate disputes; some are not so legitimate.

Johnson brought a suit claiming illegitimate royalty valuations, and Johnson the whistleblower suddenly finds out that POGO gets in its lawsuit and wants a share of the take. POGO in fact weasels its way into that lawsuit and gets about a $7 million share of the take.

How did POGO get in the lawsuit? POGO got in the lawsuit, we are told, our investigators tell us, because two Federal employees apparently knew about this sealed lawsuit, called their friends at POGO, got them into the lawsuit, and cut a deal to get one-third of the take.

Two Federal employees cut a deal, apparently, with POGO, to each take one-third of $7 million, to get POGO a share of Mr. Johnson's whistleblower lawsuit. That is what the allegations are.

Now, the second thing we are talking about is whether this Congress, as the watchdog of America over Federal agencies and Federal employees who might do criminal and wrong things, has a right to get straight answers from witnesses we call.

Now, when the two witnesses from POGO and when the Federal official involved here come before our committee and refuse to answer the questions that we ask them about this elicit deal, they do not take the fifth amendment, which they could have done. They simply say, ''Hum, Congress, we are not going to talk to you, and you can't do anything about it.'' They are telling the American people that the eyes and ears of their Congress, elected by the American public to watchdog Federal agencies, have no power, have no authority. They take that power away from us when they can snub us and say they will not answer legitimate questions in a Federal inquiry.

I want to congratulate the gentleman from Hawaii (Mr. ABERCROMBIE). He said it right. Whether the Democrats control this House, or whether the Republicans control this House, this is the people's House. We are not just here voting for Americans; we are their eyes and ears too over the Federal bureaucracies.

It is our job to make sure Federal employees deal with Americans honestly, and when two Federal employees cut a deal to get one-third of a whistleblower lawsuit and refuse to come and answer questions about it before a committee of this Congress, every Member, Democrat and Republican, ought to rise up and say, the American public, this House, will not be shunned this way. We will not be, in the vernacular of the young, ''dissed'' in this fashion.

The product of this investigation is critical. The product of this investigation is to uncover criminal wrongdoing, and we ought to proceed with this vote today.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, this House has many things to be proud of, but this is not one of the investigations that we have to be proud of.

My colleagues on the other side have invoked the tobacco investigations on several occasions. I do not need to remind my colleagues who was the majority party at that point in time. I think if these are the priorities of this Congress, the people who are watching in America need to know why we need to change Congress.

Let me talk on a little bit of a personal note. I happen to know one of the people who this indictment, this contempt citation, is about, Hank Banta. Hank Banta was my first boss when I worked in Washington in 1981, 19 years ago. I know him well; I consider him a friend. He was a counsel for the Senate Committee on the Judiciary. That was where I worked as an intern and extern for 2 years.

He knows the rules of this House well, and I would tell my colleagues, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from Louisiana (Mr. TAUZIN), one of the reasons that he did not answer is because our rules provide that if they are not pertinent questions to an investigation, the witness has legal right not to answer those questions, not to answer those questions, and he enjoyed that right.

I would just question the criminal nature of this.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, that is not true.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, it has been said that this institution is to be a watchdog. In fact, this resolution asks the people's House to become an attack dog, an attack dog for the oil and gas industry.

This is the people's House, and it is a sad day when we turn on the people who expose the fraud to the American people and seek to punish them.

The Watergate investigation has been inveighed as a proud moment of Congress. If this party had been running the Watergate investigation, you would not have subpoenaed Halderman and Ehrlichman and gone after them. You would have investigated Frank Wills, the guy who discovered the burglary.

You are barking up the wrong tree, and it is a sad day. I am proud of the House of Representatives, and I want to warn Members against this resolution for two reasons: number one, if this passes, and if this goes to the criminal justice system, this House will be embarrassed.

I am going to tell you why: unlike many of the speakers today, I was in these hearings, and I saw, time after time after time, the majority party ignore the rules of the House of Representatives. When the judicial system sees this, they will call foul; and our House will be embarrassed by this travesty. If you want to know why these people did not answer some of these questions, it is because they violated the rules of the House.

I want to bring up another issue. As a person who believes privacy is important in this Chamber, I believe in this country we should not have certain conversations forced to be made public by the U.S. Government. The U.S. Government should not force your discussions with your priest to be public, the U.S. Government should not force your conversations with your doctor to be public, and the U.S. Government should not force your conversations with your attorney to be public.

The majority party seeks to violate those privileges, and we brought this to their attention. These folks did not want to answer questions about their conversations with their attorney. Those who believe that the priest's penitent privilege and the attorney-client privileges are sacred rights of Americans, will vote against this resolution. If you believe in privacy and standing up and crying ''foul,'' vote against this resolution.

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Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DOOLITTLE).

(Mr. DOOLITTLE asked and was given permission to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker. This issue is about big payoffs, not big oil. In fact, it is about the biggest payoffs ever made and accepted by Federal bureaucrats, indeed, over $750,000 already. This resolution is about our ability as Members of Congress to ask questions of and to get answers from those who made the big payoffs, and those who accepted them.

It is that simple. Members should know that there was a written agreement to funnel $4 million to two Federal employees. Make no mistake, those who oppose this resolution are sanctioning the ability of people to hide the facts about what goes on in big government agencies from the people and from congressional committees.

This resolution is about holding those who made and accepted these big payoffs to the same standard we would hold any corporation if it made huge payments to Federal workers.

So do not fall for the smoke screen. Big payments to Federal Government workers are wrong. Support the resolution.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman yielding me the time.

As a relative newcomer to this Chamber, I have been following this to understand how the House works, how we can pick out one item for the first time in 17 years to proceed forward with a recommendation for criminal activity.

The U.S. Attorney is already following up on potential misconduct; so that is not the issue here. The issue is, the dealing with the House of Representatives.

Seventeen years ago, Rita Lavelle stonewalled Congress completely, would not answer the phone, would not come forward, would not produce documents.

These are people who did come forward, produced thousands of pages of documents. This has already been deleted by the amendment of the gentleman from Alaska (Mr. YOUNG).

We are looking at something here that looks to me like a pretty broad sweep that is calculated not to get at the problem of misuse of oil royalties. It is not whether or not these people are going to have their behavior investigated. It is, it seems to me, rather a chilling effort in terms of people who come forward and for the first time in 17 years. I think this is indeed a stretch.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman for yielding me the time.

As ranking member of the Subcommittee on Energy and Mineral Resources, I sat through hours and hours of an exercise which we are led to believe involves an illegal and inappropriate activity, a whistleblowing exercise based on insider knowledge.

We are led to believe that these individuals involved were uncooperative and demonstrated a contempt of Congress so egregious that it requires this very special resolution, this very heavy-handed sanction.

What I saw instead was a conscience and deliberate attempt to characterize these whistleblowers as criminals. What I saw was the securing of thousands of pages of information and extensive testimony, which provided the committee with all of the information they needed to conclude that while some questionable activity may have occurred, which should be and is being investigated by the Department of Justice, but that there was also some serious underpayments by the oil companies, but the committee did not pursue the question of the underpayments.

We were not satisfied with this information, the entire picture about the underpayments and the whistleblowers, but instead we focused and continued to pursue this line of questioning and inquiry.

I sat through hours and hours of an exercise which we are led to believe involves an illegal and inappropriate activity—a whistleblowing exercise based on inside knowledge.

We are led to believe that the three individuals involved were uncooperative and demonstrated a contempt of Congress so egregious that it requires this very special resolution—this heavy handed sanction.

What I saw was a conscious and deliberate attempt to characterize the 3 whistleblowers as criminals. What I saw was the securing of thousands of pages of information and extensive testimony which provided the Committee with all of the information they needed to conclude that some questionable activity may have occured—which should be and is being investigated by DOJ and that there were underpayments by the oil companies. But we didn't pursue the question of the underpayments. But we weren't satisfied with this information, the entire picture about the underpayments and the whistleblowers—No—we wanted to continue to pursue this line of questioning and inquiry—focusing on the whistleblowers which has the net effect of shifting the attention from the serious policy issue of underpayment of the oil companies and to the activities of the whistleblowers. It is inevitable that we must ask the question is the intent of the investigation to mitigate the attention to the underpayments; was the intent of the mitigate to derail attention—from the real problems of the underpayments? I have to conclude that this was the case.

The prerogatives of Congress are not at stake, and today we should be focusing on the oil companies and the fact that they endeavored to deny revenues to the American public.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, when there is a tobacco scandal, who do we bring in before Congress? The tobacco company executives.

When Ford and Firestone are implicated in the death of 138 Americans and hundreds of others, who do we bring in to testify? The CEO of Ford, the CEO of Firestone.

When the oil companies, however, are found ripping off the American taxpayer to the tune of $438 million, with potentially billions of additional dollars still unaccounted for, who does the Committee on Resources bring in? They bring in the oil company executives? No. The whistleblower. Let us investigate the whistleblowers.

Mr. Speaker, if the public is looking at this and they are wondering what Congress is doing in the final 2 weeks, they just have to look on the Republican side. The President deploys the Strategic Petroleum Reserve. The Republicans hold hearings, both the Senate and House energy committees last week. What is the scandal that they are investigating?

The price of oil was nearing $40 a barrel when the President deployed it. It is now down to $32 a barrel. The scandal? The price of oil has dropped. The consumers have benefitted. Gasoline prices are down. Home heating oil prices are down. Let us have hearings on the House and Senate side.

Now, on the final day of Congress, again, the oil industry and the cross hairs of the American public wondering what Congress is doing about it. Are we bringing in the executives to ask beyond that $438 billion in oil, how about natural gas? How about the other oil companies?

Are there billions of other dollars that we could be using for prescription drugs, that we can be using to ensure that we rebuild schools in this country that the oil companies are not paying in taxes? No, we do not have that hearing. The Republican majority would have us believe that POGO, the Project on Government Oversight, is the problem, POGO. What Walter Kelly, the old cartoonist who used to draw the Pogo strip, he once remarked, ''We have met the enemy, and it is us.''

The enemy is the Republican Congress. They refuse to have hearings on the issues of what the role is of the oil industry and driving up oil prices and denying the American people the taxes, the royalties, which they rightly deserve in order to ensure that our government programs help the poorest people in our society. Vote no on this resolution.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I support the resolution. Congress has become background music in a doctor's office. Witnesses come before Congress and lie every day, and Congress does nothing about it depending upon the partisanship of the issue.

If you are a chairman and you determine there is something and you subpoena a witness, that witness should be there; and if they are not, the Congress should put its foot down. In America, the people govern; and, quite frankly, we do not any more.

Congress does not govern anything. You have turned it over to the White House, and the White House does not govern. They have turned it over to the bureaucrats.

When our committee subpoenas somebody, they should be there; and if they are not, they should be held in contempt. I support the gentleman from Alaska (Chairman YOUNG). He is doing what is best for America. Let us take this government back to the people.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have immense power in this body. We have the power to do things that other people only dream about. We can do some wonderful things. We can fight for a cure of cancer. We can feed hungry children. We can defend this country by making the resources available to do all of those things. But every now and then in the history of this Congress, we also have the ability to run off the tracks and to bring down the power of this institution on an individual or an organization or a couple of individuals and put them in such jeopardy and deny them such rights that it is a nightmare to the average citizen of what they would do in that situation. That is why there are rules.

There are rules to protect the American citizen against its government. In court, in grand jury proceedings, in the Congress of the United States, when you ask a question to a witness, the witness, according to the Supreme Court and to our Constitution, they have a right to know why you are asking that question and is that question pertinent to this investigation.

Let me tell my colleagues, in the circus we were running in this committee at that time, the members did not know what was going on in that investigation. The members did not know why the questions were being asked. The members did not know why information was being subpoenaed, but the fact of the matter was these three witnesses came before our committee. They answered numerous questions. They submitted to depositions. They provided thousands of pages of testimony, and today none of them have been charged with anything, other than in the allegations of speeches by Members of Congress besmirching their reputations.

Mr. Speaker, I happen to think, as I said at the outset of these hearings, I think there some real bad judgment has been made and maybe some wrongdoings that have been had, but that is not what these Members are in liability for. These Members are in liability now because we shifted from that hearing in the middle to questioning about whether or not something was wrong in a lawsuit in Texas, and we were going to adjudicate whether it was. We do not adjudicate.

We do not adjudicate. So they refused to testify, because the committee already had the information, but it was once suggested that maybe they could be caught for perjury. So they did not testify. They said you have the information from another source, some of which was sealed or not sealed.

This committee never laid out for them the pertinency of those questions to that investigation at that time. As the Supreme Court has recognized, when you put a person in that kind of jeopardy, the average American, the average American who is sitting there in front of a big committee of Congress, they have rights. They need protection, because the government is not always right; that is why we changed the law with respect to the Internal Revenue Service, because they made decisions about people's guilt, about people's liabilities, hounded them and badgered them and intimidated them with the power of the Government. They threatened people with jail.

Mr. Speaker, that is where these three people sit today. After being badgered and hounded, being called common thieves by members of the committee, in spite of no evidence that that was the case, whether or not they were involved in the regulations, the best evidence we have today is the sworn testimony of the people from the Department of Interior that had no impact, little involvement in those regulations.

The best evidence we have today of their involvement in the court case in Texas was the evidence that the oil companies took from this hearing and ran over to that court case. The judge said get out of here. Today, they are put before this Congress with the full force and effect.

But who is not here? As many of my colleagues pointed out, the oil companies are not here. After admitting and settling to underpaying plight terms, it is like we do not admit any liability, admit or deny, you know, how you do when you settle a lawsuit. We cannot tell you whether we are guilty or not. We are just going to put this $450 million out there out on the table because we want this to go away.

What these oil companies did to the taxpayers of the United States, they lied to them. They cheated to them. They wrongfully withheld payments that were entitled to each and every taxpayer of this country. Now they settled for half a billion dollars, $438 million. It is estimated, as the gentleman from California (Mr. HORN) said in his Subcommittee on Government Management, Information and Technology, that it could be as high as $2 billion to the Federal taxpayer.

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Many of these same oil companies settled with the State of California. When they took the money from the

State of California, they took it from the schoolchildren, because the money was destined for the schoolchildren of California. They settled there for, I think, almost $2 billion in underpayments, maybe more. I do not have the exact figure, but it runs to the billions.

So those companies who cheated and lied did not receive a single question from this committee. Did not receive a letter. Did not receive a subpoena. Did not receive a letter of inquiry. Were not asked to testify about cheating the Federal Government. But the organization, the people who blew the whistle and said the government is not doing its job, and they came under a Civil War statute was to protect the government from being ripped off by the merchants during the Civil War by supplying us phony goods or overcharging us. They came under that Civil War statute and they said, ''Hey, you guys are not doing your job, they are cheating you.''

Yes, they were. And they were entitled to recovery. They may have shared that recovery in a wrongful fashion, but to date nobody has been charged with doing that, and the Justice Department has had this for a year and a half, almost 2 years.

Why the imbalance? Why are we going after these people and attributing criminal liability? This is not about our subpoena power. These people answered the subpoenas. They came to the committee. They turned over the documents. But when they were asked these questions, knowing their rights under the Supreme Court decisions that have thrown out contempt citations from this, said time and again this citizen has not been protected from the powers of this Congress; they said that question is not pertinent. I do not believe it is pertinent. And as the Supreme Court says, the citizen has to sit in the chair and is compelled to make a choice immediately.

So on advice of their counsel, they quickly said, ''I do not believe that question is pertinent,'' and we have a right to go forward with this process if we believe it was.

I have to say to my colleagues, nobody laid the foundation for these citizens so they could determine what we were talking about in this hearing, because this hearing was from hell to breakfast on subject matter. It was all over the room. We changed the direction of this hearing numerous times. And I do not think that we ought to attach criminal liability to these citizens that did such an incredible service for the taxpayers and the citizens of this country. We certainly should not do it in the name of oversight, because if we do it in the name of this oversight, we are doing it in the name of one-sided oversight.

Mr. Speaker, if we are going to call POGO, if we are going to call these three citizens, we should have called the oil companies. I am sure we will call the trial attorneys and the tire companies in the Firestone investigation. I am sure we will call the victims and the tobacco companies. But here we only called one.

Do not do this to the citizens of the United States. They may end up being tried or charged by the Justice Department under the active investigation, but do not use and misuse the powers of this institution against these three citizens who did the right thing and were badgered and hounded and called names, not allowed to testify, not allowed to give opening statements, and then placed in that kind of jeopardy. It simply is not fair.

CONTEMPT OF CONGRESS RESOLUTION AND REPORT DISSENTING VIEWS

We strongly oppose the Resolution and Report to cite four individuals and the Projects on Government Oversight (POGO) for Contempt of Congress, a federal statutory crime punishable by up to one year in jail. From the outset, the Republican Majority's unilateral conduct of the investigation into this matter has been biased, procedurally flawed and abusive of the rights of witnesses and Members. It is a weak case to present to the House, which last sought to invoke statutory contempt powers in 1983. And even if adopted by the House over our objections, any attempt at prosecution based on this Resolution will not survive balanced judicial review.

The Majority's wrath is primarily directed at POGO a nonprofit government ''watchdog'' group that—among many efforts to curb waste, fraud and abuse—has been active since 1993 in pursuing oil and gas companies that have underpaid by hundreds of millions of dollars royalties owed to the U.S. Treasury for operating on public lands. In November 1998, after receiving $1.2 million of a $45 million settlement by Mobil Oil in False Claims Act litigation for royalty underpayments, POGO shared two-thirds ($383,600 each) with two individuals: a Department of the Interior employee, Robert Berman, and a former Department of Energy employee, Robert Speir.

POGO and the Department of Justice dispute whether an Assistant U.S. Attorney involved in the Mobil litigation approved POGO's payments to Berman and Speir. In December 1998, the Civil Division of the Department of Justice referred the POGO matter to the Public Integrity Section of the Criminal Division for a review, in cooperation with the Inspector General for the Department of the Interior, which is ongoing. These are the proper authorities and the appropriate forum for fairly investigating whether any misconduct or illegalities occurred in making or receiving the payments and we supported the motion adopted by the Committee on Resources to release to them relevant committee records. By contrast, all but one of the Democrats present voted against the Majority's Contempt of Congress Resolution, which was adopted by a 27 to 16 vote on July 19, 2000.

We oppose this Resolution because in the course of this lengthy investigation, the Majority has stepped beyond the bounds of legitimate inquiry. In an abusive manner, the Majority has used the powers of subpoena and the sanction of contempt to pursue subjects tangential to the Committee on Resources' jurisdiction. The Majority has conducted this investigation in a manner that serves the interests of lawyers for oil and gas companies involved in pending royalty underpayment litigation as well as those who are currently challenging in federal court royalty valuation regulations recently issued by the Department of the Interior to curb royalty payment abuses.

It is noteworthy that the Majority has spent well over a year investigating those who helped expose royalty cheating and whose efforts contributed to the recovery to date by the Untied States of $300 million from litigation settlements. But they have done nothing to investigate whether companies extracting oil and gas from federal lands are systematically underpaying royalties, a subject clearly within the jurisdiction of the Committee on Resources and with significant fiscal implications to taxpayers.

The Majority unilaterally drafted the lengthy Resolution and Report and first made it available to Democratic Members of the Committee less than 24 hours prior to the Committee on Resources' markup on July 19th. This rush to judgment on Contempt of Congress, a federal crime, is typical of the strictly partisan investigation, which has been prejudiced from the beginning with assumptions of guilt and illegalities. Indicating all with a broad brush, the Resolution deems each individual cited as equally guilty no matter how trivial the alleged transgression. Moreover, by citing the ''Project on Government Oversight,'' with contempt, the Resolution cavalierly casts a cloud of criminal jeopardy on the officers and the entire board of directors, even though one such individual testified that he had been recused from any involvement in the royalty underpayment matters and another did not join the board until 1999.

At the July 19th Committee markup of this Resolution, the Majority failed to provide Members with the language of the contempt statutes. They cited no judicial standards or precedents of the House for applying those criminal statutes in a contempt proceeding. They did not adequately explain or refute the legal rationale that the subpoenaed parties, based on advice from counsel, had asserted when they declined to answer specific questions or provide specific documents precisely as sought by the Majority. And they neglected to explain to Medicare that witnesses had appeared at hearings and produced thousands of pages of documents in compliance with multiple subpoenas (Attachment (A).

LEGAL STANDARDS FOR CONTEMPT OF CONGRESS: ALL ELEMENTS OF THE OFFENSE SHOULD BE PROVEN BEYOND A REASONABLE DOUBT

The refusal to answer a question or provide a document demanded by a committee does not per se constitute contempt of Congress under the statutes. William Holmes Brown, who served as House Parliamentarian for twenty years, provides guidance for Members regarding contempt powers and procedure in House Practice: A Guide to the Rules, Precedents and Procedures of the House (1996): ''The statute which penalizes the refusal to answer in response to a congressional subpoena provides that the question must be 'pertinent to the question under inquiry.' 2 U.S.C. 192. That is, the answered requested must 91) relate to a legislative purpose which Congress may constitutionally entertain, and (2) fall within the grant of authority actually made by Congress to the Committee. Desher, Ch 15 Sec. 6. In a prosecution for contempt of Congress, it must be established that the committee or subcommittee was duly authorized and that its investigation was within the scope of delegated authority. U.S. v. Seeger, C.A.N.Y. 303 F.2d 478 (1962). A clear chain of authority from the House to its committee is an essential element of the offense. Gojack v. U.S., 384 U.S. 702 (1996).'' House Practice at pages 427–428.

Brown further observes that the requirement that a committee question be pertinent

is an essential factor in prosecuting the witness for contempt, that the committee has the burden of establishing that a question is ''pertinent,'' and that the committee's determination is ultimately subject to a strict standard of judicial review: ''In contempt proceedings brought under the statute, constitutional claims and other objections to House investigatory procedures may be raised as a defense. U.S. v. House of Representatives, 556 F Supp. 150 (1983). The courts must accord the defendant every right 'guaranteed to defendants in all other criminal cases.' Watkins v. United States, 354 US 178 (1957). *All elements of the offense, including willfulness, must be proven beyond a reasonable doubt.* Flaxer v. United States, 358 US 147 (1958).'' House Practice at page 428. [Emphasis added]

Accordingly, because a contempt charge must meet strict judicial review standards, it is our recommendation that Members of the House consider themselves as if jurors in a criminal trial and apply the ''beyond a reasonable doubt'' standard in evaluating the conduct of those charged with contempt under 2 U.S.C. 192. The definition of ''beyond a reasonable doubt'' is as follows: ''*The doubt that prevents one from being firmly convinced of a defendant's guilt, or the belief that there is a real possibility that a defendant is not guilty.* 'Beyond a reasonable doubt' is the standard used by a jury to determine whether a criminal defendant is guilty. In deciding whether guilt has been proved beyond a reasonable doubt, the jury *must begin with the presumption that the defendant is innocent.*'' Black's Law Dictionary (Seventh Edition, 1999) at page 1272. [Emphasis added]

The majority has failed to meet its burdens of proving the statutory elements necessary for contempt prosecution

In construing the contempt statute, the Supreme Court has closely scrutinized a committee's stated purpose of the investigation to determine whether a demand is pertinent to the question under inquiry. If the committee's own descriptions are inconsistent with its actions or have changed over time, such confusion ''might well have inspired doubts as to the legal validity of the committee's purposes.'' Gojack v. United States, 384 U.S. 702, 709 (1966).

On June 9, 1999, the Committee on Resources on a party line vote approved a Resolution to authorize Chairman Don Young to issue subpoenas in connection with: ''(1) policies and practices of the Department of the Interior and Department of Energy regarding payment of employees and former employees from sources outside of these Departments that may be related to the employee's past or present work within the Department, and (2) payments from the Project on Government Oversight, POGO, to Mr. Robert Berman, an employee of the Department of the Interior, and Mr. Robert Speir, a former employee of the Department of Energy . . .''.

During the debate on the June 9, 1999 resolution, Energy Subcommittee Chairman Barbara Cubin responded to Delegate Carlos Romero-Barcelo's concerns about the Committee acting to intervene in a pending Department of Justice criminal investigation by explaining that the focus would be on oil royalty valuation legislation and regulation: ''It isn't the intent of the committee to intervene in this procedure at all, but we do need to know what is going on and what has gone on because we have things in front of us as oil valuation is concerned that are directly the purview of this committee. We have legislation in front of us that tries to determine a valuation method for oil. Right now, the administration and the Minerals Management Service has some regulation or proposed regulation that should not go into effect about the valuation of oil because we don't know whether this action and this payment of money has anything to do with those new regulations. We just need to know whether the two people involved had any influence on the MMS.''

Notwithstanding this rationale for the investigation, at the time the Committee approved the contempt Resolution on July 19, 2000 the Majority had sought no testimony related to oil valuation regulations, policies, or legislation. No witness had been called to establish a foundation for the relevant ''policies and practices'' of the Departments of Interior and Energy. By stark contrast, Democratic Members were admonished by the Majority at the May 4, 2000, Subcommittee hearing that the purpose of the investigation did not include inquires on oil royalty valuation policies or fraudulent oil company practices.

Simply stated, the Majority has not articulated a purpose for obtaining the information sought by the contempt Resolution that is within the scope of the Resources Committee's authority as delegated by the House. The Supreme Court has held that a clear line of authority for the committee and the ''connective reasoning'' to the questions is necessary to prove pertinency in statutory contempt. Gojack v. United States, 384 U.S. 702 (1966) Instead, the Majority has constantly shifted their explanations of what they are investigating and why. For example, on March 6, 2000, Chairman Young wrote to POGO's attorney to explain that broad subpoenas were necessary to ''to begin weighing the merits of those conflicting statements'' made in civil litigation.

The purpose and scope of the Majority's inquiries are still not clear to Democratic Members. An investigation of oil royalty matters in furtherance of a legislative purpose could properly be crafted within the Committee on Resources' jurisdiction, but the Majority has failed to do so. The Majority established no ''connective reasoning'' or foundation based on the committee's jurisdiction for the pertinence of the questions asked and the documents demanded of the witnesses at the time they were asked and demanded. Additional hearings or ex post facto rationale cannot reestablish a foundation for pertinency that did not exist at time that a witness was at peril of being charged with contempt.

The Supreme Court has held the conduct of Congress to strict scrutiny when applying the contempt statutes: ''It is obvious that a person compelled to make this choice [of whether to answer] is entitled to have knowledge of the subject to which the interrogation is deemed pertinent. That knowledge must be available with the same degree of explicitness and clarity that the due process clause requires in the expression of any element of a criminal offense. the 'vice of vagueness' must be avoided here as in all other crimes.'' Watkins v. United States, 354 U.S. 178 (1957).

In summary, the Majority has not met the substantial burden of proving the elements of statutory contempt beyond a reasonable doubt. The House cannot responsibly send to the U.S. Attorney—who already has plenty of work to do combating serious crimes—a contempt Resolution that is so flawed that prosecution will be futile.

The majority's investigation is procedurally flawed and failed to comply with committee and House rules

In applying the contempt statute, the courts have required that a committee strictly follow its own rules and those of the House. *Yellin v. United States*, 374 U.S. 109 (1962). The conduct of the investigation related to this Contempt of Congress Resolution is so egregious that any attempt at prosecution will not survive judicial review. Among the procedural deficiencies are the following:

(1) Failure to follow House Rule XI, Clause 2(k) applicable to investigative hearing procedures. On June 9, 1999, by a party line vote, the Committee on Resources authorized Chairman Young to issue subpoenas related to an ''oversight review'' of the ''policies and practices of the Department of Interior and Energy'' and ''payments from the Project on Government Oversight'' to Robert Berman, an employee of the Department of the Interior, and Robert Speir, a former employee of the Department of Energy. It was not until June 27, 2000, however, that Chairman Young authorized Subcommittee Chairman Cubin to ''begin an investigation to complement the oversight inquiry underway.'' This is a meaningless effort to draw a distinction between ''investigation'' and ''oversight'' when no such distinction exists for purposes of House Rule XI, Clause 2. Accordingly, over the protests of Democratic Members, the Majority failed to follow House Rules applicable to the rights of witnesses in Subcommittee on Energy and Mineral Resources hearings held May 4 and May 18, 2000. These flaws range from the failure to provide witnesses with the Committee on Resources and House Rules prior to their testimony, to the failure to go into executive session.

(2) Failure to allow Members to question witnesses under House Rule XI, Clause 2(j). On multiple occasions, the Subcommittee Chair prevented Democratic Members from exercising their rights to question witnesses, either under the five-minute rule or time allocated to the Minority under clause 2(j)(B).

(3) Failure to have a proper quorum under Committee on Resources Rule 3(d). The Committee rules require a quorum of members, yet no such quorum was present during the hearings at the times of votes on sustaining the Subcommittee Chairman's rulings on whether questions were ''pertinent.''

(4) Failure to allow witnesses to make an opening statement under Committee on Resources Rule 4(b). This rule states, ''Each witness shall limit his or her oral presentation to a five-minute summary of the written statement, unless the Chairman, in consultation with the Ranking Minority Member, extends this time period.'' In contravention of this rule and longstanding committee practice, the Chair refused to grant hearing witnesses the opportunity to make opening statements. Democrats objected that this was prejudicial to subpoenaed witnesses in what amounted to adversarial proceedings but were overruled by the Subcommittee Chair.

(5) Failure to hold a hearing on the contempt of Congress issues. It is fundamentally unfair not to allow the parties charged with contempt an opportunity to fully and fairly detail their legal arguments for declining to answer questions or supply specific documents in contention. The Chair repeatedly refused the efforts of Democratic Members to recognize legal counsel to address the Subcommittee on these issues. The failure to provide due process in a hearing to those accused of violating a criminal statute further weakens the Majority's case.

The majority's investigation improperly attempts to use the power of Congress to provide discovery for oil and gas companies in royalty litigation against the United States

We strongly protest the Majority's transparent attempt to use the powers of the Committee on Resources—and of the House—to assist favored parties in pending litigation with hundreds of millions of dollars of royalty payments at stake. The Majority's difficulties in describing a legitimate purpose

for their investigation are compounded because they appear to be seeking information which would damage interests of the United States both in royalty underpayment litigation and in industry challenges to recently revised oil and gas royalty regulations. Their interest in the pending litigation matters has been made clear, for example, by a March 6, 2000, letter from Don Young to POGO's attorney which states in part: ''On November 29, 1999, an adversary of your clients' interests in the proceedings of Johnson v. Shell litigation provided sworn testimony in a federal court hearing which appears to directly contradict sworn statements made by your client, Danielle Brian. To begin weighing the merits of those conflicting statements, Committee counsel telephoned you and explained that I intended to subpoena records of telephone calls between POGO or Danielle Brian and that witness.''

Given the Majority's keen interest in this pending civil lawsuit, it is not accidental that lawyers for the companies involved in those proceedings have been closely monitoring the Committee on Resources' investigation. Because the Chair has ruled that the investigation is not restricted by attorney-client or other privileges, the Majority has freely sought to obtain documents and probe on matters which would otherwise be off-limits in court.

On July 10, 2000, the law firm of Fulbright and Jaworski filed a motion in the U.S. District Court for the Eastern District of Texas in ''Opposition of Defendant Shell Oil Company to Project on Government Oversight and Henry M. Banta's Motion for Protective Order'' (Attachment B). In that motion, Shell Oil's lawyers argued that new evidence developed by the Subcommittee on Energy and Mineral Resources required that the court reexamine the relevance of the payments to Berman and Speir, asserting that ''subsequent testimony by Mr. Banta and Ms. Brian in recent Congressional oversight hearings demonstrate that POGO did not accurately advise the court in its pleadings . . .''. As evidence, the Shell lawyers cite various statements and documents used at the Subcommittee on Energy & Mineral Resources' hearings on May 4 and May 18, 2000.

POGO had previously argued to the court that this subject matter was irrelevant to the issues of royalty underpayments: ''it is the law of case that the Berman/Speir matter is unrelated to the merits of the case.'' On July 14, 2000, the federal judge agreed and ruled the Shell's lawyers were not allowed to ask any questions of Henry M. Banta regarding POGO's sharing of settlement proceeds with Robert Berman and Robert Speir. (Attachment C)

In effect, the federal judge's July 14, 2000, ruling affirms his prior decision that how POGO distributed its portion of the Mobile settlement is irrelevant to the central question in the pending Johnson v. Shell litigation: did Shell underpay royalties owed to federal government for oil and gas obtained from public lands?

The oil and gas industry's attempt to distract attention away from this core issue has failed thus far in the courts and it should meet a similar fate in the Congress. Seeking to obtain and disclose information to assist participants in litigation is not a legitimate purpose of a committee investigation. Having provided no adequate jurisdictional foundation for the relevance of the Majority's questions and document demands at issue in this Resolution, there is accordingly no basis for the House to hold in contempt the individuals cited or POGO.

Analysis of each citation for contempt in the resolution

A. Mr. Henry M. Banta

February 17, 2000, Subpoena Duces Tecum

(1) *Redacting Records:* Mr. Banta is cited for providing a record of the February 5, 1998, POGO Board Meeting minutes ''redacted so severely as to have no meaning.'' In response to the Chairman's June 26, 2000, letter, Mr. Banta's attorney supplied a less redacted copy of the same record. Thus, the charge is without merit.

Moreover, Mr. Banta, as a private attorney and in his role as Chairman and Member of the Board of Directors of POGO, was not the individual responsible for maintaining POGO's Board Meeting minutes. POGO's attorney supplied the Board Meeting minutes, including subsequent revisions to accommodate the requirements of the subpoenas issued to POGO. Thus, Mr. Banta should not be held in contempt for not producing such documents.

(2) *Refusing to Comply with Orders to Produce:* The Resolution cites Mr. Banta with contempt of Congress for not providing certain documents. Mr. Banta, on advice of counsel, has not produced such records that relate to his work as counsel to the State of California, citing 30 U.S.C. 1733 which restricts the disclosure by states of confidential business information provided by the Department of the Interior in the administration of oil royalty programs. Mr. Banta, in the course of his representation of the State of California's Auditor, is required to keep certain information confidential. It is not within Mr. Banta's authority to release or produce these records for the Committee on Resources. Mr. Banta should not be held in contempt for not producing that which he is not authorized to release.

April 10, 2000, Subpoena Duces Tecum

(1) *Failure to Comply:* The Resolution charges Mr. Banta with contempt for not producing a log of responsive records withheld under a claim of privilege. However, Mr. Banta, through his attorneys, did produce a record of responsive records withheld under a claim of privilege and identified the privilege. A log is not specifically required under the subpoena. The subpoena required Mr. Banta to ''specify and characterize the record so withheld and specify the objection or constitutional privilege under which the record is withheld.'' Consequently, when Mr. Banta's attorneys provided additional correspondence in response to the Chairman's rejection of the previously supplied log, and explained the constitutional privilege under which a document was being withheld; they complied with the terms of the subpoena. Mr. Banta should not be held in contempt for not producing a log that (a) he was not specifically required to produce and that (b) he provided in material fact in correspondence.

(2) *Refusal to Produce:* The Resolution cites Mr. Banta with contempt because he ''possesses but did not produce an unredacted agenda for the February 17, 1998, POGO Board Meeting and unredacted minutes of the October 27, 1998 POGO Board Meeting and unredacted minutes of the October 27, 1998 POGO Board Meeting.'' To the contrary, Mr. Banta does not possess these documents, nor was he responsible for maintaining such documents. POGO, through its attorney, has supplied redacted versions of these documents, including revisions, in response to the subpoenas issued to the corporate entity. The House should not find Mr. Banta in contempt on these facts.

Subpoena to Appear on May 18, 2000

Refusal to Answer: On this count, the Resolution cites Mr. Banta with contempt of Congress because during the May 18 hearing, when asked if he knew about the Johnson v. Shell lawsuit while it was under seal, Mr. Banta, on advice of counsel, refused to answer the question on the grounds that it was not pertinent to the investigation. The Majority failed to provide a proper foundation or ''connective reasoning'' for the question to be pertinent to the jurisdiction of the Committee on Resources. Moreover, as discussed above, seeking to obtain and disclose information to assist parties in pending litigation is not a legitimate purpose for a congressional investigation. Moreover, at the time the Chair ruled the question ''pertinent'' and polled the Members on the question, the Subcommittee did not have a quorum for conducting business as required under the Committee on Resources' rules.

B. Mr. Robert A. Berman

Subpoenas to Appear on May 18 and July 11, 2000

Refusal to Answer: On May 18, 2000, when Mr. Berman appeared under subpoena before the Subcommittee, he objected to testifying at a public hearing on the grounds that Members of the Majority had defamed him during the hearing held May 4, 2000. For example, Rep. Kevin Brady of Texas had called him a ''common thief'' during the prior hearing. On advice of counsel, he declined to answer questions unless Members waived their immunities from lawsuits. Mr. Berman also demanded that the Subcommittee convene in executive session as required under House Rule XI, Clause 2(k). Despite objections by democratic Members, the Chair refused to apply the House Rules on investigative hearing procedures.

After confirming that they had in fact failed to follow the House Rules governing investigative hearings, the Majority attempted to cure the error by subpoenaing Mr. Berman to reappear at a second hearing on July 11, 2000. Mr. Berman, on the advice of counsel, refused to answer certain questions in executive session. Only after voting on a factually incorrect motion to report Mr. Berman's responses to the Committee did the Majority allow Mr. Berman to make a statement to the Subcommittee on Energy and Mineral Resources. The Majority's failure to follow the Committee and House Rules that protect the rights of witnesses, their failure to establish a clear purpose within the Committee on Resources' jurisdiction for the investigation, and their failure to provide a proper foundation or connective reasoning for their questions, collectively add up to a failure to prove the elements of criminal contempt beyond a reasonable doubt. Under these circumstances, Mr. Berman's conduct does not justify a citation for contempt by the House.

C. Mr. Keith Rutter

April 10, 2000 Subpoena Duces Tecum

(1) *Withholding Records:* The Resolution cites Mr. Rutter with contempt for withholding certain tax documents. Under the subpoena, Mr. Rutter, the POGO employee in charge of general administrative matters, was directed to produce copies of POGO's annual IRS Form 990 and Form 1023 (relating to tax-exempt status). The subpoena also demanded production of POGO's original application for tax-exempt status and subsequent correspondence with the Internal Revenue Service. In June 1999, POGO provided the requested documents for tax year 1998, which included revenue from the oil royalty litigation, as well as reporting the public service awards to Berman and Speir. On July 11, 2000, POGO, through its attorneys, provided the Committee with an amended tax return for 1998. In a letter dated April 21, 2000, POGO's attorney notified the Committee that they would not produce the additional

tax documents on the grounds that the Chair's demand for the other tax documents unrelated to the payments to Berman and Speir were not pertinent to the stated purpose of the Committee's investigation and, additionally, further inquiry into POGO's tax status was outside the Committee's jurisdiction. Ironically, POGO's tax returns, including those subpoenaed by the Majority, are publicly available. The House should not find Mr. Rutter in contempt for not producing material which is not pertinent and which the Majority could have accessed through widely available means.

(2) *Failure to Produce:* The Resolution cites Mr. Rutter with contempt for failure to produce a log of the responsive records withheld by him under a claim of privilege. A log is not specifically required under the subpoena. The subpoena required Mr. Rutter to ''specify and characterize the record so withheld and specify the objection or constitutional privilege under which the record is withheld.'' As is evidenced by the Majority's own exhibit, this requirement has been met. Therefore, the House should not find Mr. Rutter in contempt on these grounds.

D. Ms. Danielle Brian Stockton

June 18, 1999 Subpoena Duces Tecum

(1) *Redacting Records:* The Resolution cites Ms. Brian with contempt for withholding minutes of two POGO Board Meetings. Ms. Brian has asserted that she does not hold or possess these or any other documents not previously supplied to the Committee under her subpoena. She was not responsible for maintaining these documents. In addition, POGO, through its attorney, has supplied redacted versions of these documents, including revisions, in response to the subpoena issued to the corporate entity. The House should not find Ms. Brian in contempt for not producing records that which she does not possess.

(2) *Withholding Records:* Under this citation, the Resolution charges Ms. Brian with contempt for not producing agendas and minutes from POGO Board Meetings that occurred on January 5, 1995; December 9, 1996; April 26, 1999; and September 9, 1999. POGO produced these records, through its attorney as required by the subpoena issued to POGO. Ms. Brian has asserted that she does not possess these documents and was not responsible for maintaining the documents. As Ms. Brian does not have such records within her possession, she could not produce them. Instead, the documents were provided to the Committee by POGO's attorney in response to the subpoena of POGO. The House should not hold Ms. Brian in contempt for not producing documents that she does not have in her possession and which have been provided to the Committee under the proper subpoena.

February 17, 2000 Subpoena Duces Tecum

(1) *Failure to Comply:* The Resolution cites Danielle Brian with contempt for not producing unredacted telephone records from her office and personal residence for a period covering eighteen months. Ms. Brian offered to provide a redacted version of the phone records under this subpoena. However, the Majority insisted that they be allowed to review all phone records—personal and professional—from the 18-month period and then decide which ones to copy for their files. POGO is an organization that works extensively with whistleblowers from a wide array of areas, including defense contractor and health care fraud and they have asserted a First Amendment privilege against allowing unfettered access to these. Since Ms. Brian was willing to provide redacted versions of these records, and the Majority refused to negotiate a reasonable alternative, the House should not find Ms. Brian in contempt on this charge.

Subpoena to Appear on May 18, 2000

Failure to Reply: The Resolution charges Ms. Brian with contempt for her refusal to answer a question relating to the extent, if any, of her knowledge of Johnson v. Shell litigation while it was under seal. As discussed above, Ms. Brian should not be held in contempt for declining to answer a question related to the Johnson v. Shell litigation. The Majority has failed to provide either the connective reasoning or build a foundation to justify this question as pertinent to the investigation. Gojack v. United States, 384 U.S. 702 (1966). As stated above, it is not a legitimate purpose for a congressional investigation to seek to obtain and disclose information to assist parities in pending. Moreover, at the time the Subcommittee Chair ruled the question ''pertinent'' during the hearing and polled the Members on the question, there was no quorum present as required under the Committee on Resources' rules. Accordingly, the House should not cite Ms. Brian for contempt in this instance.

E. Project on Government Oversight

February 17, 2000 Subpoena Duces Tecum

(1) *Refusal to Produce Records:* The Resolution cites POGO, a nonprofit corporate entity, with contempt for not producing records showing the names and office addresses of POGO Directors responsible for POGO's oil royalty effort from its inception in 1993 through the present. In correspondence dated February 28, 2000, POGO's attorneys stated that POGO had not withheld records with current Board Members' names and addresses. They gave these records to the Committee in 1999 when POGO provided its 1998 nonprofit 501(c) corporate tax forms, which included that information. On pertinency grounds, POGO has declined to provide the names and addresses of those Board Members (if any) that were on the Board in 1994 and have left since that time. They have provided the name and address of one Board Member who joined in 1999.

Secondly, the Resolution cites POGO for contempt for not producing records concerning payments to Messrs. Berman and Speir discussed by POGO since January 1, 1999. To the contrary, POGO, through its attorneys, has provided the documents to the Committee. Accordingly, the House should not find POGO in contempt on these grounds. Moreover, even if the House was to find POGO in contempt, it is unclear who the U.S. Attorney would be compelled to prosecute as the Majority has not specified which of the officers of board of directors would be the responsible parties. At least one of the board members, Chuck Hamel, testified that he had been recused from all matters dealing with the royalty underpayment litigation.

(2) *Refusing to Comply:* The Resolution cites POGO for refusing to provide a log of responsive records withheld from production under this subpoena. POGO, through its attorneys, has asserted that they have produced all responsive records. In those instances where they have declined to provide a document, they have, as required under the subpoena, provided a written explanation. A log is not specifically required under the subpoena. The subpoena required POGO to ''specify and characterize the record so withheld and specify the objection or constitutional privilege under which the record is withheld.'' This requirement has been met. Therefore, the House should not find POGO in contempt. Again, even if the House were to find this nonprofit corporate entity in contempt, it is unclear who the U.S. Attorney would be compelled to prosecute, as the Resolution does not specify which of the officers or board of directors are to be prosecuted.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. Brady).

Mr. BRADY of Texas. Mr. Speaker, we asked. To the attorney for the special interest group we asked, ''Did you have knowledge of this lawsuit that was under seal, that was held confidential by the Court?'' All he had to do was answer, ''No, of course not. I am a private citizen. Why would I know of a sealed document?''

Of the two government employees, we wanted to ask, ''What service did you provide to receive three-quarters of a million dollars?'' Because one does not get something for nothing in this world.

We could never get these basic pertinent questions answered. That is the truth we were seeking.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have heard a lot today, and I would just like to clarify some of the things that were said. The rules of this House, the Supreme Court say the committee can judge what is pertinent, not the witness. That is the rules and that is the Supreme Court. We told all three of these parties that was the case, and they still declined to answer.

Let us make it perfectly clear that POGO is not the whistleblower. Neither are the gentlemen or ladies that are involved in these contempt citations the whistleblowers. The whistleblower, Johnson, was filed on top of for money. POGO now is under criminal investigation as I stand here and speak.

Mr. Speaker, I know that this is such a serious debate, that we have to have more debate. So I ask unanimous consent, pursuant to clause 2 of rule XVI, to withdraw the resolution.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 2 of rule XVI, and the precedent of the House of April 8, 1964, the gentleman does not require unanimous consent. The gentleman may by right withdraw the resolution at this point.

The resolution was withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 36 minutes a.m.), the House stood in recess subject to the call of the Chair.

1210

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 12 o'clock and 10 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 8, rule XX, the Chair will now put the question de novo on each motion to suspend the rules on which further proceedings were postponed yesterday in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 2943,
H.R. 2498,
H. Res. 650,
H. Res. 655,
S. 2712,
H.R. 5309,
S. 3194,
H.R. 4399, and
H.R. 4400.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

INTERNATIONAL MALARIA CONTROL ACT OF 2000

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 2943, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the Senate bill, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TIERNEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This will be a 15-minute vote, followed by a series of 5-minute votes, if ordered.

The vote was taken by electronic device, and there were—yeas 385, nays 2, not voting 45, as follows:

[Roll No. 564]

YEAS—385

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Wamp
Waters
Watkins
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Paul
Sanford

NOT VOTING—45

Abercrombie
Barr
Bilbray
Brady (PA)
Campbell
Chenoweth-Hage
Coburn
Conyers
Cox
Coyne
Cramer
Danner
Dickey
Dunn
Fowler
Franks (NJ)
Ganske
Graham
Hefley
Isakson
Kasich
Kingston
Klink
Kolbe
Lazio
Martinez
McCollum
McInnis
McIntosh
McKeon
Metcalf
Mollohan
Packard
Peterson (PA)
Pickett
Quinn
Sessions
Shays
Spratt
Stark
Talent
Walsh
Watts (OK)
Waxman
Wise

1230

Mr. HILLIARD changed his vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the Senate bill was amended so as to read: ''A bill to authorize additional assistance for international malaria control, and for other purposes.''.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

CARDIAC ARREST SURVIVAL ACT OF 2000

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 2498.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2498.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

RECORDED VOTE

Mr. ALLEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 384, noes 2, not voting 46, as follows:

[Roll No. 565]

AYES—384

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Wamp
Waters
Watkins
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—2

Paul
Sanford

NOT VOTING—46

Abercrombie
Barr
Bilbray
Brady (PA)
Campbell
Chenoweth-Hage
Coburn
Conyers
Cox
Coyne
Cramer
Danner
Dickey
Dunn
Fowler
Franks (NJ)
Ganske
Graham
Hefley
Isakson
Kasich
Kingston
Klink
Kolbe
Lazio
Martinez
McCollum
McInnis
McIntosh
McKeon
Metcalf
Miller, George
Mollohan
Packard
Peterson (PA)
Pickett
Quinn
Sessions
Shays
Spratt
Stark
Talent
Walsh
Watts (OK)
Waxman
Wise

1240

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SENSE OF HOUSE WITH RESPECT TO RELEASE OF FINDINGS AND RECOMMENDATIONS BY FEDERAL ENERGY REGULATORY COMMISSION REGARDING ELECTRICITY CRISIS IN CALIFORNIA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 650.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. COX) that the House suspend the rules and agree to the resolution, H.Res. 650.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

FIRE ADMINISTRATION AUTHORIZATION ACT OF 2000

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 655.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 655.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

RECORDED VOTE

Mr. GEJDENSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 384, noes 5, not voting 43, as follows:

[Roll No. 566]

AYES—384

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger

Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—5

Johnson, Sam
Paul
Shadegg
Stump
Taylor (MS)

NOT VOTING—43

Abercrombie
Barr
Bilbray
Brady (PA)
Campbell
Chenoweth-Hage
Coburn
Conyers
Cox
Coyne
Cramer
Danner
Dickey
Dunn
Fowler
Franks (NJ)
Ganske
Graham
Hefley
Isakson
Kasich
Kingston
Klink
Kolbe
Lazio
Martinez
McCollum
McInnis
McIntosh
McKeon
Metcalf
Mollohan
Peterson (PA)
Pickett
Quinn
Sessions
Shays
Spratt
Stark
Talent
Watts (OK)
Waxman
Wise

1250

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

The title of H.R. 1550 was amended so as to read: ''An Act to authorize appropriations for the United States Fire Administration, and for carrying out the Earthquake Hazards Reduction Act of 1977, for fiscal years 2001, 2002, and 2003, and for other purposes.''

A motion to reconsider was laid on the table.

REPORTS CONSOLIDATION ACT OF 2000

The SPEAKER pro tempore (Mr. LATOURETTE). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 2712.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the Senate bill, S. 2712.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

RECORDED VOTE

Mr. SHERMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 385, noes 0, not voting 47, as follows:

[Roll No. 567]

AYES—385

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—47

Abercrombie
Barr
Bilbray
Brady (PA)
Brady (TX)
Campbell
Chenoweth-Hage
Coburn
Conyers
Cox
Coyne
Cramer

Danner
DeLay
Dickey
Dunn
Fowler
Franks (NJ)
Ganske
Graham
Hefley
Isakson
Kasich
Kingston
Klink
Kolbe
Lazio
Martinez
McCollum
McInnis
McIntosh
McKeon
Metcalf
Mollohan
Peterson (PA)
Pickett
Quinn
Roukema
Sessions
Shays
Spratt
Stark
Talent
Tierney
Watts (OK)
Waxman
Wise

1259

So (two-thirds having voted in favor thereof) the results were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. ROUKEMA. Mr. Speaker, on rollcall No. 567, I was unavoidably delayed. Had I been present, I would have voted ''aye.''

RONALD W. REAGAN POST OFFICE BUILDING

The SPEAKER pro tempore (Mr. LATOURETTE). The unfinished business is the question of suspending the rules and passing the bill, H.R. 5309.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 5309.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

RECORDED VOTE

Mr. KLECZKA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 376, noes 8, not voting 48, as follows:

[Roll No. 568]

AYES—376

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—8

Filner
Lee
Lofgren
McDermott
Meeks (NY)
Nadler
Oberstar
Sabo

NOT VOTING—48

Abercrombie
Barr
Bilbray
Brady (PA)
Campbell
Chenoweth-Hage
Coburn
Conyers
Cox
Coyne
Cramer
Danner
Dickey
Dunn
Fowler
Franks (NJ)
Ganske
Graham
Gutierrez
Hefley
Hunter
Isakson
Kaptur
Kasich
Kingston
Klink
Kolbe
Lazio
Martinez
McCollum
McInnis
McIntosh
McKeon
Metcalf
Minge
Mollohan
Peterson (PA)
Pickett
Quinn
Sessions
Shays
Spratt
Stark
Talent
Tierney
Watts (OK)
Waxman
Wise

1307

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ROBERT S. WALKER POST OFFICE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 3194.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the Senate bill, S. 3194.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

RECORDED VOTE

Mr. DOGGETT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 379, noes 7, not voting 46, as follows:

[Roll No. 569]

AYES—379

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Crane
Crowley
Cubin
Cummings
Cunningham

Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—7

DeFazio
Lofgren
McDermott
Olver
Radanovich
Sanford
Wu

NOT VOTING—46

Abercrombie
Barr
Bilbray
Bonior
Brady (PA)
Campbell
Chenoweth-Hage
Coburn
Conyers
Cox
Coyne
Cramer
Danner
DeLay
Dickey
Dunn
Fowler
Franks (NJ)
Ganske
Graham
Hefley
Isakson
Kasich
Kingston
Klink
Kolbe
Lazio
Martinez
McCollum
McInnis
McIntosh
McKeon
Metcalf
Mollohan
Peterson (PA)
Pickett
Quinn
Sessions
Shays
Spratt
Stark
Talent
Tierney
Watts (OK)
Waxman
Wise

1316

So (two-thirds having voted in favor thereof) the rules were suspended the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KOLBE. Mr. Speaker, on October 27, 2000 the House voted on H.J. Res. 117, ''Further Continuing Appropriations for FY 2001'', S. 2943, the ''International Malaria Control Act'', H.R. 2498, the ''Cardiac Arrest Survival Act'', H. Res. 655, ''Providing for the consideration of H.R. 1550 and the Senate Amendment'', S. 2712, the ''Reports Consolidation Act of 2000'', H.R. 5309, ''Designating Ronald Reagan Post Office,'' said S. 3194, ''Designating Bob Walker Post Office.'' Had I been present, I would have voted ''aye'' on H.J. Res. 117, (rollcall vote No. 563), ''aye'' on S. 2943, (rollcall vote No. 564), ''aye'' on H.R. 2498, (rollcall vote No. 565), ''aye'' on H.R. 5309, (rollcall vote No. 568), and ''aye'' on S. 3194, (rollcall vote No. 569).

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, earlier today, I was unavoidably detained and I was not able to vote on rollcall votes Nos. 564 to 569. Had I been present, I would have voted as follows: rollcall No. 564, ''yes''; rollcall No. 564, ''yes''; rollcall No. 564, ''yes''; rollcall No. 565, ''yes''; rollcall No. 566, ''yes''; rollcall No. 567, ''yes''; rollcall No. 568, ''yes''; rollcall No. 569, ''yes''.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, I ask for this time for the purpose of advising Members of the schedule. Members should be advised that we have had our last vote for the day. The House will reconvene tomorrow morning at 9 a.m. for the purpose of passing a 1-day CR. It is our expectation that we will be able to move the Members through that process and complete our day's business very soon after we convene at 9 a.m. That should then be the last vote of the day tomorrow morning.

On Sunday, we should reconvene the House at 6 o'clock p.m. for the purpose of passing a 1-day CR. We would expect to complete that work.

In the event that it is necessary to do so on Monday morning, we would reconvene the House at 10 a.m. for the purpose of passing a 1-day CR. Should it continue to be necessary to do so, we would reconvene the House at 6 o'clock p.m. on Tuesday for the purpose of passing a 1-day CR.

Members should be advised, of course, throughout all of this time frame the appropriators will continue to work on the last remaining appropriations bill, the Labor, Health and Human Services bill. Our appropriators will work on that over the weekend and, if necessary, will continue their work into the week.

On Monday, the House, of course, awaits the successful completion of that work and negotiation between the House the other body and the White House. And at whatever time that work is completed, with proper notice, we will advise our Members and reconvene the House to complete the work on that final bill of the year.

Mr. Speaker, I yield to the gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Speaker, the gentleman stood up, of course, without much notice and so not everyone was on the floor and was able to hear. Could the gentleman repeat the schedule day by day just so everyone is clear? And then I do have a question or two.

Mr. ARMEY. Mr. Speaker, reclaiming my time, I do appreciate the gentleman asking; and I know there are a great many people, particularly on the gentleman's side of the aisle, who are concerned about being home for their campaign activities back home. If we would have a brave heart, we could get through all of this.

To reiterate, we believe this to be the last vote of the day. We will reconvene in the morning at 9 a.m. to vote a 1-day CR. We would expect that to be a completion of our day's work. We would then reconvene Sunday at 6 p.m. for the purpose of a 1-day CR. Again, we would expect that to be the completion of our work. On Monday, we would reconvene at 10 a.m. for a 1-day CR. And then, if necessary, do the same at 6 o'clock p.m. on Tuesday.

I again would remind all the Members that the appropriators are working bicamerally in negotiations with the White House on the attempt to complete the last remaining bill of the year, the Labor, Health and Human Services spending bill. That work will continue throughout the weekend; and with appropriate notice of time, when that work is completed and we are prepared to bring that bill to the floor, Members will be notified. Of course, the availability of that work for the completion of the year's work by the

body would be preemptive of any announcement that I make between now and Tuesday evening.

Mr. FROST. Mr. Speaker, if the gentleman would continue to yield, may I ask the gentleman, if I understood him correctly, he was saying that it was his opinion that there would only be one vote tomorrow when the House convenes at 9 a.m. Is the gentleman aware that there are possibilities of additional procedural votes that could occur tomorrow?

Mr. ARMEY. Mr. Speaker, again reclaiming my time, I thank the gentleman. I know of no work that is scheduled for the House. And I would again advise our Members that in terms of work that is scheduled, this is the schedule we have to advise. I understand the Members from the other body have noticed a couple of matters and we will, of course, pay dutiful attention to them on the floor.

Mr. FROST. If I could continue, and then I believe the gentleman from Michigan (Mr. BONIOR), the Democratic whip, has a question. Is the gentleman from Texas aware that it is possible to bring up motions to instruct conferees tomorrow? That those would be in order?

Mr. ARMEY. Certainly, I am aware of that; but we have not received any official notices of that possibility. We do recognize that should that appropriate notice be given and that event present itself, that we will deal with that within the context of the rules of the House.

Mr. FROST. I believe that the Democratic whip has some information on that specific subject.

Mr. ARMEY. Mr. Speaker, I yield to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding me this time. I want to inform the distinguished majority leader that we have, in fact, filed at this point two motions to instruct tomorrow, one on LIHEAP and the other on an educational issue. And so we do expect that there will be business tomorrow, and business on Sunday as well, on issues that we think are very important to get done before we adjourn this Congress.

Mr. ARMEY. I thank the gentleman for that notification.

Mr. FROST. Mr. Speaker, if the gentleman would continue to yield, could I ask an additional question to my distinguished colleague from Texas?

Mr. ARMEY. If the gentleman from Texas seeks time for an additional question, I am happy to yield.

Mr. FROST. Mr. Speaker, does the majority have any plans to schedule any veto overrides for consideration of the House? Does the majority have any plans to schedule any veto override votes within the next few days?

Mr. ARMEY. Mr. Speaker, again reclaiming my time, I appreciate the inquiry. I do not believe that there are any vetoes that are there; and there are no, therefore, override votes that would be pending.

Mr. FROST. Should any vetoes occur within the next few days, would the majority schedule a veto override vote?

Mr. ARMEY. I do not anticipate that event. If that event presents itself, we will deal with it at that time.

Mr. OBEY. Mr. Speaker, would the gentleman yield?

Mr. ARMEY. Mr. Speaker, I believe the gentleman from Florida (Mr. YOUNG) was on his feet, and I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman from Texas for yielding. I suspect maybe the gentleman might explain to our colleagues why it is that we have to do a 1-day CR today, and another 1-day CR Saturday, and another 1-day CR Sunday, and another 1-day CR Monday. And I am happy to hear the response from the other side, because as the majority leader has said, the appropriators will be meeting through the weekend, as we have been for nearly a month, on this last remaining bill with the White House, and we are going around in circles. If they cannot have it their way, they do not want it any way.

But I have a friendly question for both sides. Since the majority leader and the House and I confirm we will be working through the weekend, is it okay, based on some of the debate that we have heard so far in the last couple of weeks, is it okay if we work in the dark of night? Because it is going to take more than the daylight hours to get this done. And if it does, my Democrat colleagues should not criticize us next week for having made decisions in the dark of night.

Mr. ARMEY. Mr. Speaker, reclaiming my time, I would like to thank the gentleman from Florida for his genteel observations. Let me just say, Mr. Speaker, the President has agreed to 1-day CRs until we complete this work.

Mr. Speaker, I would like to ask our body to just take a moment and appreciate the appropriators for their continuous work in negotiation. They are, in fact, continuing to work.

Mr. Speaker, I would appreciate continuing with this so that I could yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the distinguished gentleman from Texas, the majority leader, for yielding me this time. I would just note that I welcome the comments of the gentleman from Florida, although I would say they are at some variance with the fact that we were just told at about 11:30 by one of the key conferees that he did not intend to meet either Saturday or Sunday. I am hoping that that comment was made in a momentary expression of frustration.

But, nonetheless, I would like for purposes of clarification to follow up on a question asked by, I think, the gentleman from Texas. We are trying in the conference, we are trying to determine what is going to happen with the Commerce, Justice, State and Judiciary bill and what is going to happen with the tax bill, because that impacts the final negotiations on the Labor-HHS bill.

1330

I would like to ask the distinguished majority leader if he could explain to us his understanding of whether and when the Senate is intending to send either of those bills to the White House. Because there are interesting implications for the Labor-HHS bill if the tax bill, for instance, does not go to the White House.

Mr. ARMEY. Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. OBEY), and there are many aspects to his observations.

On the question of the difficulty we have in scheduling the continuing negotiations, I know it was frustrating for a lot of our members on the Committee on Appropriations in both bodies who were here working last night to see that both the President and his chief of staff, his principle negotiator, were there at the World Series.

Incidentally, Mr. Speaker, congratulations to the Yankees for their victory last night. Certainly that made it difficult to work last night.

I understand that the President is traveling to California. Whether or not his chief of staff and chief negotiator goes with him to California or not, I do not know. But we will continue to encourage everybody to be at the table.

In the meantime, the Senate, the other body, Mr. Speaker, continues to have its frustrations within the context of their rules. The minority is, as my colleagues know, are quite empowered to prevent things from happening in both of the bills that the gentleman referred to, are being held up in the other body by the minority in their effort to do whatever it is they are doing. They are frustrated in their inability to get those two bills to the floor for a vote. We will obviously encourage them to proceed as much as possible.

Mr. OBEY. Mr. Speaker, if the gentleman will yield further, recognizing that we have no idea of what will happen to those other bills, I would say we need to have some clarification of that before we know what matters have to be included in the Labor-HHS bill, especially with respect to school construction.

The other thing I would simply say in response to the comments of the gentleman from Texas (Mr. ARMEY) about Mr. Lew. Mr. Lew has been in this city. He has been in this building, prepared to negotiate virtually every day since Labor Day. He has been working 12, 14, 16 hours a day.

My colleagues can laugh. My colleagues on the other side can laugh if they want, but he has been here a lot more than any of them have.

Mr. ARMEY. Mr. Speaker, let me just respond to the gentleman from Wisconsin (Mr. OBEY). Again, let me remind him, insofar as it is possible, Mr. Speaker, I do control the time. I want to acknowledge the point just made by

the gentleman from Wisconsin. We are all working hard. We do want to appreciate one another. In that regard, even I myself was just so pleased that I managed to get back to my office at least to watch the last inning of last night's game. So I know how important that is to Mr. Lew.

I just want to say we do want to encourage everybody. My purpose here is that, understand this is important work we are talking about. The differences between ourselves on education are important business that is before the American people. They are going to take time because our differences are so heartfelt. I will not take the time to outline those right now.

What I am saying is let us take a moment to appreciate one another. We are committed to this hard work. We are as committed to our purposes as the White House and the minority are to theirs. This will take some time. So I am sure we will all enjoy each other as we continue to encourage the appropriators.

Mr. OBEY. Mr. Speaker, if the gentleman will yield.

Mr. ARMEY. Mr. Speaker, I really think for the purpose to which I asked for this time, I have really completed what I need to do. I am happy to yield back my time.

REQUEST TO ADDRESS THE HOUSE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that I may be allowed to proceed.

Mr. Speaker, I withdraw the request.

ARTHUR ''PAPPY'' KENNEDY POST OFFICE BUILDING

The SPEAKER pro tempore (Mr. LATOURETTE). The unfinished business is the question of suspending the rules and passing the bill, H.R. 4399, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 4399, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

''A bill to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the 'Arthur ''Pappy'' Kennedy Post Office'.''.

A motion to reconsider was laid on the table.

EDDIE MAE STEWARD POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4400, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 4400, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

''A bill to designate the facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, as the 'Eddie Mae Steward Post Office'.''.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Ms. DELAURO. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services and Education.

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on the highest funding level possible for the Low-Income Home Energy Assistance Program in Fiscal Year 2001 and Fiscal Year 2002.

The SPEAKER pro tempore. The notice will appear at this point in the RECORD.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mrs. LOWEY. Mr. Speaker, pursuant to clause 7(c) of House rule XXII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services and Education.

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on disagreeing with provisions in the Senate amendment which denies the President's request for dedicated resources to reduce class sizes in the early grades and for local school construction and, instead, broadly expands the Title VI Education Block Grant with limited accountability in the use of funds.

The SPEAKER pro tempore. The notice will appear at this point in the RECORD.

TRIBUTE TO THE HONORABLE JOHN PORTER

(Mr. OBEY asked and was given permission to address the House for 1 minute.)

Mr. OBEY. Mr. Speaker, I would like to bring to the attention of the House a matter that relates to the gentleman from Illinois (Mr. PORTER) if I could ask the House's attention for just a moment.

Mr. Speaker, despite the exchange that just took place, I wanted to take a moment to simply observe to the House that the gentleman from Illinois (Mr. PORTER) will soon be leaving. I do not know when we will have another chance to say this. I understand that he will have difficulty being here tomorrow because of a death in the family.

But I wanted to take this opportunity to say that I have served with him for many years on the Committee on Appropriations. All of us has served many years with him in this House. Regardless of the differences on issues that we have, he has graced this House with his presence. He has been an honorable adversary as well as a valuable ally on many occasions. I think he has personified the way that we would like to see all Members of the House conduct himself or herself.

On behalf of this gentleman, I simply want to say to the gentleman from Illinois (Mr. PORTER) that we will miss him. We know that whatever he does after he leaves this puzzle factory will be rewarding and constructive.

The gentleman has had a long history of concern, especially for issues of medical research and human rights and many others. I for one simply want to wish him all the luck in the world and to say, despite the many disagreements we are about to have over the next 2 or 3 days, that it has been a privilege to serve with him. I think I speak for every Member of the House in saying that.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. Surely, I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I wanted to thank the gentleman from Wisconsin (Mr. OBEY) for the comments that he just made about the gentleman from Illinois (Mr. PORTER), our friend and colleague. I want to associate myself with those remarks.

The gentleman from Illinois (Mr. PORTER) has been an outstanding Member of this House and has made a big difference in a lot of areas. He has a wealth of knowledge on the issues that he has responsibility for. He is a very distinguished gentleman. His word has always been his bond.

I would say that there are many people who will have the advantage of life saving techniques and medical discoveries because of the work that the gentleman from Illinois (Mr. PORTER) has done to expedite and move along medical research in many, many areas.

I want the gentleman to know that I will miss him, that he and I do not have as many differences as he and the gentleman from Wisconsin (Mr. OBEY) have, but it is a real pleasure to be working with him. I will certainly miss the gentleman from Illinois when he leaves here.

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. Mr. Speaker, I will be delighted to yield to the gentleman from Illinois.

Mr. PORTER. Mr. Speaker, let me just take a minute to say that I have now served in this body for 21 years and 20 years on the Committee on Appropriations. I have loved every single minute of it. There is nothing that can compare with service in this institution.

I have had a highly educated, highly informed, caring constituency to represent. It has been a joy to represent them here in Washington.

To be able to become involved in issues that I think are important for the future of our country and to attempt to reflect them in our values as a government has meant everything to me.

It has been a source of tremendous pleasure to work with people that I respect. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) are people that I respect tremendously, highly. People who fight for the things they believe in but do so in a way that brings credit to this institution.

Yes, we disagree and we fight, but it has been a true pleasure to work with the gentleman from Florida (Mr. YOUNG) as my chairman, to work with him prior to his becoming chairman. He is a man that I have always looked up to and been able to rely on. And to work on the opposite side of the gentleman from Wisconsin (Mr. OBEY), both on the Subcommittee on Labor, Health and Human Services and Education and on the Subcommittee on Foreign Operations, Export Financing and Related Programs. We have fought, I think, very cleanly. I certainly have a huge respect, admiration and friendship for the gentleman from Wisconsin as well.

Mr. Speaker, I leave this body with a great deal of sadness because, while I may not miss the kind of days we are having right now, I will miss very much the men and women that I have been so privileged to work with over all these years. It is a great privilege and an honor to be a Member of this body.

I feel that I have done my very best to try to represent the things that I believe in very deeply. It has been a joy to work with the people in this Chamber all these years. I thank my colleagues very much.

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PERSONAL EXPLANATION

Mr. CROWLEY. Mr. Speaker, on Tuesday, October 24, I was not present in Washington and, therefore, unable to vote on that day. My wife Kasey and I became the proud parents of a baby girl, 7 pound, 2 ounce, 21-inch baby girl. This is our second child.

Had I been here, I would like the RECORD to reflect that I would have voted no on rollcall vote 541, yes on rollcall vote 542, and yes on rollcall vote 543.

Also, Mr. Speaker, if I may, on Thursday, October 26 of this year, yesterday, I again was not able to be in Washington and, therefore, unable to vote because I was picking up my wife Kasey and our newborn baby and taking them both back home from the hospital.

Had I been present, I would like the RECORD to reflect that I would have voted no on rollcall vote 553, yes on rollcall vote 554, no on rollcall vote 555, no on rollcall vote 556, no on rollcall vote 557, no on rollcall vote 558, no on rollcall vote 559, no on rollcall vote 560, yes on rollcall vote 561, and no on rollcall vote 562.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. CROWLEY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I want to congratulate the gentleman, I want to congratulate Kasey, I want to congratulate the new arrival, Kenzie; is that correct?

Mr. CROWLEY. Kenzie, yes.

Mr. HOYER. Seven pounds, two ounces, I understand, of beautiful baby girl. As the father of three young women myself, I know the joy of having a daughter. And, of course, I know the gentleman's son well, and he is going to be blessed with his sister.

I want to say that I am sure there is not a person in this Chamber or an American anywhere who does not think the gentleman made the right judgment. Congratulations to you.

Mr. CROWLEY. Mr. Speaker, reclaiming my time, I want to just say that she will be eligible for dating when she is 40 years of age. So I thank all my colleagues very, very much.

Mr. HOYER. If the gentleman will continue to yield, Mr. Speaker, I would advise him that that is a good theory, but it does not work out in practice.

CONGRATULATIONS TO BUFFY WICKS

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, I rise today to commend a valued member of my staff here in Washington, Ms. Buffy Wicks, on her completion of the Marine Corps Marathon in Washington, D.C. just last Sunday, a marathon which raised millions of dollars for AIDS research.

Although almost 18,000 people took part in this marathon, my wife and I were watching very carefully Buffy's accomplishment. She committed to raising at least $1,600, and did not surprise me one bit that she exceeded that goal. She is an intelligent and principled young lady who is an asset to my office and our community. Her dedication to raising money for AIDS follows her commitment to the causes of peace as a graduate student in Peace Research at the University of Oslo, to the American Civil Liberties Union, and to progressive congressional candidates.

I join each and every member of my own staff in saying congratulations on a job well done. Buffy, we are proud of you.

CONGRATULATIONS TO NEW YORK YANKEES AND NEW YORK METS

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, as a Bronx boy born and bred, and as someone who represents Bronx, New York, I want to congratulate the New York Yankees, the World Champions of 2000, for their wonderful season and, therefore, their victory in the World Series yesterday.

When I was growing up, I lived within walking distance from Yankee Stadium. I remember the old teams with Mickey Mantle and Roger Maris, and these Yankees certainly winning the World Series three years in a row shows they are truly champions.

I also want to congratulate the New York Mets for a wonderful, wonderful season and for being the winners of the National League. The subway series, and I went to as many World Series games as I could go to, really has made all of us as New Yorkers proud. In fact, my cap, which says ''Subway Series'' and has the number 4 train and the number 7 train on it, is something, again, that makes New York very, very, very proud. Not since the 1950s, when I was just a little boy, have we had a subway series in New York, and I have never seen such electricity coming from the city.

So we are all really winners; the New York Mets, the New York Yankees, two great phenomenal teams. I am proud to be a New Yorker, and I say again congratulations to the World Champion New York Yankees and to the National League Champions, the New York Mets.

FOND FAREWELL

(Mr. FORBES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORBES. Mr. Speaker, I appreciate the privilege of having the floor to address my colleagues, and I stand here out of respect and great admiration and affection for Members of Congress on both sides of the aisle.

Six years ago, when I came first upon the floor of this hallowed institution, I was eyewitness to a moment rare in the history of our Republic. After 40 years of one-party rule, the opposing party came to power. In 50 congressional elections over as many years the House of Representatives had changed hands only eight times and, yes, as a result of each time, the fabric of our democracy was indeed strengthened, strengthened not by mere change of political party alone but by the collective act of ordinary citizens who cared enough to let their will be exercised at the ballot box.

It was a change of power made ever more amazing when cast against a world where such occurrences even in this most sophisticated of ages are too often marked by bloody violence. No blood was shed, thankfully, for ours is a freedom made whole by the sacrifices of generations of Americans who at a tender age put their Nation ahead of themselves.

Our fellow citizens cherish this vibrant and living democracy that manifests itself each day in the august halls of this Congress. It is they who witness a collection in this body of individuals who give hope to the powerless, promise to the forgotten, and justice to the ignored.

With recorded history dating back some 5,000 years, two centuries of the House of Representatives seems somewhat like a relatively new experience and a somewhat new endeavor. However, relatively few have been honored to come to this place to give their vote and their voice for their communities. Since first convened in 1789, fewer than 10,000 people have had the privilege of representing their fellow Americans. It is in that context alone that I stand here humbled and privileged to have been a Member of this august house.

While the focus too often is on the partisan battles that many Americans mistakenly believe consume all our time and energy, the good news is this: that it is truly a deliberative body. As Speaker O'Neill said, when he first took the gavel, ''The House is greater than any of us. Its greatness is the product of 435 human beings contending with extraordinary problems.'' He was right then and he would be right today.

As an institution, we have much for which to be proud. Members of the House really do spend most of their time, I believe, engaged in a quest for solutions to some of the most vexing questions of our day: health care for the uninsured, drugs on our streets, children left behind because of failing schools or the absence of a strong guiding hand, families overwhelmed as they balance their home life and their jobs in search of adequate safe, affordable day care for their children, these and other domestic challenges; to goals more global, matters that ensure our national security and which promote freedom and democracy throughout the world.

Each of us approaches these needs from different vantage points and with distinct opinions. In this the greatest experiment in governing the world has ever known, we do in fact endeavor in this democracy to work together, to find common ground in benefit of all Americans.

Looking over my past three terms, I take comfort in the accomplishments that came together because we all worked together; an end to deficit spending, the advent of surpluses and a balanced Federal budget, welfare reform, a new Telecommunications Act, updating the depression era statutes that govern the financial services sector, the Kennedy–Kassebaum initiative that made health insurance portable, and an expanded opportunity to make sure that every child is covered with health care.

The economy of our Nation has turned around from looming deficits in the hundreds of billions of dollars to today's surpluses of similar amounts. Our economic engine is roaring, our fiscal health better than ever, and our future is so very full of promise. It is humbling to be a part of guiding bipartisan policies that delivered our Nation its healthiest economy ever.

For me, it has always been about championing the interest of the folks at home, like so many of my colleagues. I cherish our Main Street businesses or, as my father used to say, those down-street merchants; whether it is the mom and pop grocery store, or the travel agency around the block, these small businesses are revitalizing our communities, creating jobs, and ensuring long-term prosperity for us all. The $26 million made possible by Congress is revitalizing the older downtown areas of my own home county of Suffolk in New York.

I am proud to have given voice to the needs of our children. My priorities have included families desperate to locate safe, affordable day care, better schools with fewer students in the class and after-school programs like the ones promoted by the Police Athletic League, and the nurturing of those who give so much to those who have lost one or both of their parents, drugs or neglect. I am reminded of the good work, for example, of the people at Little Flower Children's Services located in Brooklyn and Wading River, New York. This is a special place that will always remain close to my heart.

I am appreciative, most of all, of the bipartisan support we get for a healthier, cleaner environment, the Army Corps dollars that have fixed up Long Island's coastline, protected our fishing industry and made sure that for the first time we have ongoing efforts in the Federal Government to preserve open spaces and areas that are feeling the pressures of development like those on Long Island. The expanded Wertheim National Wildlife Refuge and, of course, the Otis Pike Preserve at Calverton, named after my former predecessor and long-time colleague of most of us, 18 years in the House, Otis Pike, is testament that this Congress has worked hard in a bipartisan way to preserve open spaces, and for that I am most grateful.

I take with me a sense of satisfaction for having taken up the cause of senior citizens and our veterans, and I look for great things to come from future Congresses in that regard because we all do try to stay very close to that very important World War II generation, and I have worked hard during my term to develop close relationships with those folks as well.

Successes achieved over the last several years are not mine alone. Clearly, as we all know, one of our best assets here on Capitol Hill is the dedicated, hard working staff, a loyal staff, that assists both myself and other Members of Congress. And I think particularly of those folks who serve on the Committee on Appropriations and are doing yeomen's work as I speak right now; those on the Committee on Banking and Financial Services, the Committee on Small Business and, of course, my special friends over at the Helsinki Commission.

My colleagues, we all know our greatest asset is clearly the talented people that make this place successful; the staff, the committee staff, the personal staffs, the doorkeepers, the Capitol Police, the wonderful people who work late into the night to clean our offices, those people who are maintaining these historic buildings, and I would like to also recognize people who are very important to all of us on both sides of the aisle, I call them the nurturers, the people in our cloakrooms, particularly Helen and Pat in the Republican cloakroom, and Rhonda and Ella in the Democratic cloakroom. They take care of us each and every day and make our jobs a lot easier.

To the people who have worked in my own office, especially over the last year and a half, I thank them for the sacrifices that they have made and the dedication that they have brought to the people of the First District of New York. These individuals have made us all proud and these successes clearly are their successes. It would take a little more time than I have now to mention all of the wonderful staff who have been devoted to me and who have really sacrificed so much, but they know who they are, and I thank them from the bottom of my heart for the sacrifices they have made.

And a special note, of course, to my Chief of Staff David Williams, who left a secure job to come over and help me, and he did yeomen's work, for which I am forever grateful.

1400

I want to take a moment, if I might, to appreciate my colleagues indulging me just a minute further here. I want to thank those many wonderful colleagues on both sides of the aisle, for it has been a special privilege for me to serve in this House and to represent

the area where I was born and raised and grew up.

To have known such talented Members of Congress and to have their friendship and their guiding hand and most of all their kindness, I am forever grateful. I must mention, of course, the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, who has been a good and decent man and who has a very, very tough job.

I also note, with fondness, my good friend the gentleman from Missouri (Mr. GEPHARDT) for his counsel, for his friendship and most of all for his belief in me. I am forever grateful. And to the gentleman from Wisconsin (Mr. OBEY) whose fairness and seasoned leadership has always inspired me.

I am particularly appreciative of the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), my friend, and the former chairman, Bob Livingston. The gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Michigan (Mr. DINGELL) have served as special friends to me. And I could get myself in trouble by going on and on and on. But I do want to make special recognition of my friend, the gentleman from the New York delegation (Mr. RANGEL), the dean of our delegation, who has been just a tremendous leader. And we have great things yet to come from him, as well as my good friend the gentleman from the Bronx, New York (Mr. ENGEL), the gentleman from Nassau County, New York (Mr. KING), the gentleman from New York (Mr. ACKERMAN), the gentlewoman from New York (Mrs. MCCARTHY), and all my friends in the delegation who have really made my service here that much more enjoyable. We come to this place from every corner of America. We seek to influence and we, in turn, are influenced.

Among the many, two who have come to this chamber and who have left a living example that endures as impressions for me are the gentleman from Missouri, the late Mr. Emerson, and the gentleman from Minnesota, the late Mr. Vento. From opposite parties, they worked to reach across the aisle to build friendships, dialogue, to find common ground with an adversary relationship. And as the gentlewoman from Missouri (Mrs. EMERSON) reminds us about her late husband, and this applies equally to so to the gentleman from Minnesota, Mr. Vento, they put people before politics and ideas before ideology.

Mr. Vento and Mr. Emerson have left us now. But their humanitarianism, their decency, their gentle and giving ways leave a lasting legacy on which to build greater civility in this House.

Though it is unlikely that I will be here in the 107th Congress, I leave this place holding each and every one of you, Democrat, Republican, and Independent, in the highest esteem, understanding we come at this awesome responsibility with respect for this most sacred institution and the best interest of this Nation at heart.

I thank you my friends, my colleagues. It has been a great run. May God bless each and every one of you, and may God bless our Nation.

Mr. ENGEL. Madam Speaker, will the gentleman yield?

Mr. FORBES. I yield to the gentleman from New York.

Mr. ENGEL. Madam Speaker, I thank my friend from New York for yielding to me. I would not forgive myself if at this time I did not say what was in my heart.

I have had the honor and privilege of serving in this body now for six terms, for 12 years. And I look forward to coming back to the new Congress. I have had many colleagues and have enormous respect for so many people, but I want the gentleman from New York (Mr. FORBES) to know that there is no one for whom I have more respect than he. And I know this personally because the gentleman and I are good friends and we have spent a lot of time together.

Many, many times in life we are called to do certain things and we never quite know how we are going to react to them when we are called upon. Many people act of principle and some people do not, frankly, because they fear what the consequences might be.

I want to tell the gentleman that I have seen him to be a man of principle and to not worry about what consequences might be but to do what he thinks right in his heart. I have seen the gentleman make decisions, some agonizing decisions and some that lesser people might not have made.

So I just want to tell the gentleman that I personally am enormously proud of him. I know the people of the First District of New York have been served tremendously well by him in Congress. And people in the First District ought to know that, in my opinion, there is no one finer, there is no one who works harder, there is no one who has been more effective than the gentleman from New York (Mr. FORBES), representing that district, representing all the people of New York, and representing the people of the United States.

I have again enormous respect for all of my colleagues, but I think that all of us in life walk a very difficult task and there are times that we have decisions to make.

Let me just say to my friend, you have always in my estimation made the right decision, not the right decision for you personally perhaps, but the right decision for the country, the right decision for your constituent, and just doing what is right.

So it has been a privilege to be your colleague. It is an even bigger privilege to be your friend. And we will continue to be friends. I want to tell you that my career in Congress has certainly been enriched by working with you and in walking the walk with you. I wish Godspeed to you and Barbara and your children and children to be and all good things and I know life is going to treat you well, because you have certainly treated life well and treated the people whom you have touched very well.

So Godspeed, my friend. I know you may not be here next year, but we have not heard the end of you yet. I love you, and I wish you the best.

Mr. NADLER. Madam Speaker, will the gentleman yield?

Mr. FORBES. I yield to the gentleman from New York.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman is recognized. But it might be noted that the Chair has been very lenient with the time.

Mr. NADLER. Madam Speaker, let me just say that I have a tremendous admiration for the gentleman from New York (Mr. FORBES).

I think one thing in particular deserves comment. We have on fairly rare occasions in this House seen people across the aisle walk from one side of the aisle to the other. People have done it for all sorts of motives. And I am not going to comment on the motives of anybody, except to say that I am not sure if the history of this body ever records someone going from the majority to the minority party and from the situation of a safe reelection to guarantee a difficult reelection and a situation in which one can ascribe no conceivable political motive other than conviction of principle. And for that, I think that whatever one thinks of either of the parties, one must admire greatly the very deliberate undertaking of political risk for no reason other than matters of principle.

We see too little of that in any legislative body and in public life generally. I certainly want to say that the gentleman has my great admiration for his actions and for his motives in those actions and also for his service in this House, which for the last 6 years has been very honorable.

I have had my eye on the gentleman since we first debated some TV show in the House gallery 5 or 6 years ago, and it has been a pleasure to serve and I look forward to working with you in other walks for many years to come.

Mr. RANGEL. Madam Speaker, will the gentleman yield?

Mr. FORBES. I yield to the gentleman from New York.

Mr. RANGEL. Madam Speaker, as the dean of the New York State Delegation, let me say to the gentleman from New York (Mr. FORBES) you are a class act no matter what party label that you have had, working with you in the delegation, always the first thing that you had as a priority was what was good for our State. And so, coming over to the Democratic side, we did not have to find out who you were. You were a quality Member there.

And so, from what I hear, there is a life outside of the Congress and I am confident that God would bless you with good fortune for you and Barbara. And you can count on our friendship in the delegation and I might say on both sides of that aisle to guide and support you in whatever you decide.

Godspeed.

Mrs. LOWEY. Madam Speaker, will the gentleman yield?

Mr. FORBES. I yield to the gentlewoman from New York.

The SPEAKER pro tempore. The gentlewoman is recognized. Again, this is with great latitude from the Chair.

Mrs. LOWEY. Madam Speaker, I wanted to join my colleagues in saluting the gentleman from New York (Mr. FORBES).

I have known Michael since he has been here, and I can tell my colleagues that this is a man with great courage.

I can think of several issues. But I can remember several years ago, it was 1996 I believe, when I introduced the school modernization bill. And now Republicans and Democrats, everyone, is talking about school modernization. But the gentleman was one of the four people at that point that were willing to sign to be part of the effort. You were a leader on school modernization because you understand how very important that issue was for his constituency.

There are a lot of people who talk about it, who talk about a whole lot of issues, but the gentleman was the kind of person that would stand up for what he believes is right. And I think that was a perfect example. And whether it is school modernization or the Long Island Sound or health care, you were always there to get support for, to speak out for, to make sure that you were doing the best you could to fight for your constituents.

Long Island Sound is an issue that I know you care passionately about, and you can be proud of the fact that you took a very important role in working hard to make the progress that has taken place in Long Island Sound. Now we have a lot more work to do certainly in dealing with the lobsters and the lobster men. You were right there on the front line.

It has been such a pleasure for me to know you, to work with you. And I know that you will continue to make your mark no matter where you choose to make it and you and your wife Barbara and your family will continue to thrive and to grow and to make a difference.

Frankly, that is why we are here in this Congress. That is why we are here in this great country of ours. We all try in some small way to make life better, to make our community better and our Nation better. And I know, just as the gentleman is willing to stand up for what he believes, to take the positions that you did in this Congress, you will continue to stand up for your beliefs, your concerns, your passion and make a difference in this life.

You are a person with character. You are a person who really, truly is committed to making this a better world. I am delighted to salute you and to thank you for all you have done, and I look forward to continuing to work with you and keeping in touch with you.

Mr. POMEROY. Madam Speaker, will the gentleman yield?

Mr. FORBES. I yield to the gentleman from North Dakota.

Mr. POMEROY. Madam Speaker, first of all, I want to express my appreciate for the Speaker's latitude in allowing us to reflect briefly upon the service of the gentleman from New York (Mr. FORBES) here.

As your term comes to a close, let me just indicate that I, for one, certainly am going to continue to think about the example of strength and counsel that you have shown during your time here.

I think that the fundamental thing our constituents expect of us as we stand and ask for their vote and then take their trust and come to Congress to represent their interests is that we act out of the courage of our convictions and we stand by our beliefs. And in the course of now four terms, I cannot recall an example where I have seen someone exercise the courage of their convictions in the way you have. Obviously putting yourself at tremendous political risk and irrespective of the consequences, you did it because in your heart you felt it was what you had to do.

Our constituents can expect no finer performance of our responsibilities than how you have exhibited, and your example is going to be reflected upon by so many of us for a long time to come.

Mr. FORBES. Madam Speaker, I appreciate the comments of my colleagues.

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SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO THE HONORABLE EDWARD A. PEASE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, I rise today to honor one of what I believe to be one of Indiana's greatest, and that is Representative ED PEASE. ED PEASE is not just a public official, he is an outstanding public servant.

I have known ED PEASE for many years. As a matter of fact, I have known him longer than I have any other member of the Indiana Congressional delegation. We had the pleasure of serving with him in the Indiana State Senate between 1980 and 1990 and in the House of Representatives here in Congress since 1996.

Although we hardly ever vote alike, and certainly do not look alike, and do not happen to belong to the same political party, some people may refer to us as the odd couple, because we do think a lot about a lot of things in terms of values and principles. I wanted to stand here today and give ED PEASE, wherever he is, a standing ovation for outstanding public service.

Members on both sides of the aisle were saddened to learn of Mr. PEASE's retirement that he announced in April of this year. He has always been a thoughtful lawmaker. His neighbor-to-neighbor politics have served Indiana's Seventh District extremely well. He has been a sincere leader in the House, and will be missed by both sides.

This sincerity was illustrated when confronted by the press about his retirement, Congressman PEASE replied, ''I ask only that you remember that you elected me to exercise my best judgment, and I do so no less in this decision.''

Many, however, still feel that Mr. PEASE's tenure in the House was too short, and it is not hard to understand why. Mr. PEASE was often called upon to lead this House as Speaker of the House pro tempore, and his parliamentary skills and strong reputation for fairness have proved invaluable in times of heated debate.

ED PEASE worked tirelessly on matters affecting his fellow Hoosiers, including Indiana's return of Federal fuel tax dollars. One of his proudest moments came when he secured a 92 percent return on the fuel tax dollars for the State of Indiana.

I will miss Congressman PEASE immensely, and know that this body is the poorer as a result of his departure. I realize that there have been happenstances that have occurred to him during his membership here which undoubtedly will deter his interest in continuing his membership in this august body, but I am often reminded of a little phrase that we had to master when we were building our typing skills in school, and that was about all good men coming to the aid of the party. Certainly ED PEASE has come not only to the aid of his party, but he has come to the aid of the State of Indiana, and certainly the United States Congress.

I would close in reminding my distinguished colleague, wherever he is at this moment, that there was a very wise poet that wrote many years ago, for every drop of rain that falls, a flower grows; and that somewhere in the darkest night, a candle glows.

Despite the adverse incidents of Mr. PEASE's experience here in Washington, D.C., as a Member of the House of Representatives, that rain that has fallen certainly will provide a flower to grow for many years to come, and he will

certainly be a light, not only for the citizens of the State of Indiana, but for this country as well.

I know that whatever Congressman PEASE chooses to do next, he will continue his service to the country with the same attributes that he displayed in the House of Representatives.

GENERAL LEAVE

Ms. CARSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the special order just given.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

SCHOOL CONSTRUCTION VERSUS TAX BREAKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Madam Speaker, I rise today to continue my call for this Congress to pass real school construction legislation without further delay. We have missed opportunity after missed opportunity, and it is time to stop playing partisan games and pass a meaningful bill to address this urgent priority.

Madam Speaker, as a Congressman from the Second Congressional District of North Carolina, I represent an area of the country that has undergone tremendous growth in recent years. In communities throughout my county and my district, our schools are bursting at the seams. The same can be said for this country. Our local communities are struggling to provide resources to build new schools and to get our children out of trailers and to fix up rundown school buildings.

Throughout my district, students in overflowing schools are being packed in trailers that are years old and long past their use. As an example, in Franklin County, 55 trailers; in Granville County, 16; Harnett County, 41; Johnston County, 98; Lee County, 40; Nash-Rocky Mount, 162; Sampson County/Clinton City schools, 76; Wilson, 34; and Wake County, a whooping 530.

That would not be such an astounding number, except for the fact our State has passed a $1.8 billion bond issue and each county has borrowed money and worked as hard as they could. The problem is, we are the fourth fastest growing state for students in the country. Congress must act now to help get these children out of trailers.

For nearly 4 years now I have worked with my colleagues in this House on both sides of the political aisle to provide leadership on this issue and pass a common sense bill that will help our local folks deal with this critical problem.

We have come together in support of H.R. 4094, the bipartisan Rangel-Johnson bill that has a number of sponsors. This important bill will provide $25 billion in school construction bonds for our local schools to build new schools for our children and renovate others.

Madam Speaker, the clear majority of this House is in support of this piece of legislation. 228 Members, Republicans and Democrats alike have signed on as cosponsors. The House will pass this bill, if we can only get a chance to vote on it. The President has stated that he will sign this important bill into law the minute it reaches his desk.

We have an opportunity to provide real leadership and pass this measure that will help further educational progress for all the children in this country. But, unfortunately, the Republican leadership of this House has chosen to choose a path of confrontation and gridlock over the opportunity for consensus and progress. Rather than working together to produce a common sense solution to the need for school construction, the Republican leadership brought to this floor yesterday a bill that contained a sham school construction measure.

Madam Speaker, the Members of this House have an obligation, a solemn responsibility, to work together to craft common sense solutions to the problems facing America's people. But, rather than meet this responsibility, Republican leadership has chosen to pass a sham proposal and a bill they know would be vetoed.

The Republican tax bill contains many provisions that I support, but the sad fact is they chose to include many good provisions in a fundamentally flawed bill.

In addition, the leadership yesterday pushed through an appropriations bill that provided $687 million in grants to states to build prisons. Now, I support the need for prisons in certain areas, but prisons should not be a higher priority than our schools for our children. What does it say about our values that we can pass millions of dollars in prison aid, yet leave our children in overcrowded schools, trapped in rundown facilities and stuck in trailers? Prisons ought not to be nicer than our schools.

In conclusion, remain an optimist. We still have time to pass a school construction bill before we adjourn this Congress, and I urge the Republican leadership to allow us to do so.

TRIBUTE TO THE HONORABLE EDWARD A. PEASE AND THE HONORABLE DAVID M. MCINTOSH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, we are going to be losing two of our Congressmen from Indiana, and they are both very fine Congressmen. One of them is ED PEASE, whom all of us have seen in the Chair many, many times over the past couple of years. He has done a great job as the Speaker pro tempore on many occasions.

ED was first elected to the Congress just 4 years ago, and we hate to see him leave so quickly after being here such a short time. I had the pleasure of serving with him in the Indiana State Senate back in the early eighties, and everybody there thought he was an extraordinary Senator, as well as my colleagues here in the House feel today that he is an extraordinary Congressman.

ED was born in Terre Haute, Indiana. He was an outstanding student. He graduated from Indiana University in 1973 with a Bachelor of Arts degree with distinction. He graduated from Indiana Law School, magna cum laude in 1977. Of course, he went on to be involved in civic activities as well as politics.

He served, as I said, in the Indiana State Senate from 1980 through 1992, and he was chairman of the Senate Committee on the Judiciary and chairman of the Indiana Commission on Trial Courts and chairman of the Indiana Code Revision Commission.

In the private sector, he served as a City Attorney for the city of Brazil, and as General Counsel for the Indiana State University. He has also been in a partner in the law firm of Thomas, Thomas & Pease. In 1993, ED became the Vice President for University Advancement at Indiana State University, and he was very highly regarded. He is one of those people over there they would like to have considered down the road, and maybe immediately, as president of Indiana State University.

ED PEASE is one of the finest men I have known. He has been a great Congressman, a great leader in this body. We will miss you a lot, ED. I hope you have a great deal of success in the future, and you come back and visit your colleagues in the Congress often.

I would also like to say our candidate for Governor in Indiana right now is Congressman MCINTOSH. DAVID MCINTOSH has been here since 1994. He has been an outstanding Congressman. He served as one of my subcommittee chairmen on the Committee on Government Reform. He has done an exemplary job as well there. He is another person we are going to miss a great deal.

DAVID, before he became a Congressman, worked with the vice president at the White House in the Executive Office Building down there on the Council on Competitiveness. He was the Executive Director there. He did an outstanding job for the Vice President Quayle, and we felt when he came to Congress were going to have him with us for a long time and he would be a real asset to us. He has been, but, unfortunately, he decided he wanted to become the chief executive of Indiana. We all wish him well in the campaign, and we will know in another week or so whether or not he has been successful.

In any event, we certainly wish him the best in the future, whether or not he becomes the Governor of Indiana, and we also hope, DAVID, you will come back and visit us often, because you have been an outstanding Congressman and a very good friend.

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SPECIAL TRIBUTE TO THE HONORABLE WILLIAM CLAY

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentlewoman from Florida (Mrs. MEEK) is recognized for 5 minutes.

Mrs. MEEK of Florida. Madam Speaker, I have a very privileged opportunity today, and it is one in which I feel that is at an especially honorable time.

Madam Speaker, I rise to pay a special tribute to the gentleman from Missouri, our friend, our colleague, Congressman BILL CLAY. There are not many people around like BILL CLAY. He is a unique person. He is a scholar, a mentor, a founder, and an inspirational leader, a fighter, and a fierce person for equity and civil rights for all.

BILL CLAY is announcing his retirement in this body after the close of the 106th Congress. BILL CLAY is honored, Madam Speaker, to take his place among the great leaders of this Nation who have successfully and courageously walked the halls of power in Congress.

BILL CLAY has been an unwavering advocate for civil rights. We are going to miss him, Madam Speaker. He has walked in such a way that we are standing on his shoulders, those of us who are here today, even when it was not popular to do so.

Representative CLAY, like many other black-elected officials, realized that the road to equality for black America was through continuous struggle and through fighting a racially-charged system that was obsessed with keeping black Americans from even the most basic of human and civil rights.

I tell this Congress and I tell the world, this is a brave man. As a young man in the military, Representative CLAY and his wife jumped into the all-white military swimming pool, scattering all the whites in screaming horror. He has been jumping in and out of dangerous and unfriendly waters ever since.

He is unafraid, Madam Speaker. As a founding Member of the Congressional Black Caucus, Representative CLAY has served as a leader and mentor to the junior Members of Congress. To each one of us, we follow his lead. We watch his button. We ask for his counsel.

His statesmanship and fearlessness, however, did not begin in Congress. Madam Speaker, a St. Louis native, Representative CLAY graduated from St. Louis University in 1953 and was drafted into the Army. He was married with 3 children and the assistant manager of an insurance company when he jumped into politics with a successful race for the Alderman Ward 26 in St. Louis in 1959. That same year, he was arrested, along with two companions, for seeking service at a whites-only counter at a local Howard Johnson's restaurant.

The foundation of Representative CLAY's popularity was cemented in 1963, when still as a young St. Louis Alderman, he helped lead a landmark antidiscrimination protest at Jefferson Bank. He was jailed for 112 long days for violating a court order and rose, like a phoenix out of the ashes, to claim his place as a fearless civil rights leader . . .

Representative CLAY ran for Congress in 1968, the same year that Dr. Martin Luther King, Jr. was assassinated. He was Missouri's first African American to win election to the United States House of Representatives, and since he has emerged as the region's most prominent and powerful black-elected official.

Representative CLAY was sworn into this body on January 2, 1969, and since then has enjoyed many legislative wins and accomplishments.

Among his many achievements are the Family Medical Leave Act, the first piece of legislation signed into law by President Clinton, and increases in the minimum wage. Representative CLAY has helped to steer through legislation on higher education, vocational education and disabilities legislation.

In the field of education and labor, Representative CLAY's legacy is solid. He leaves behind a stack of legislative accomplishments ranging from increased funding for historically black colleges and universities to bolstering health and safety protection for workers.

In the House of Representatives, Representative CLAY has served as a historian of the Congressional Black Caucus, and in doing so has, himself, created a long and outstanding history.

He can very easily be called the historian of the Congressional Black Caucus because he has kept the history of this Congress. He is a prolific writer and academician. He faced many trials and tribulations.

When the history of this body is written and the heroes are identified, the name of BILL CLAY will be at the top.

PAYING TRIBUTE TO RETIRING CONGRESSMEN FROM INDIANA, THE HONORABLE EDWARD PEASE AND THE HONORABLE DAVID MCINTOSH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BUYER) is recognized for 5 minutes.

Mr. BUYER. Madam Speaker, I rise today to talk about the retirement of two Members of Congress in the State of Indiana.

ED PEASE is leaving Congress after only having served 2 terms, and I feel very awkward saying a retirement after 2 terms. There is a real loss here, I believe, to Congress with ED leaving and going back to Indiana. It is a loss to the country and, perhaps, a gain to Indiana and his family.

ED PEASE is an individual that always had a very dignified demeanor as he would serve as Speaker pro tempore here in the House.

He is an individual that is always very conscientious. He was kind and considerate and loyal. As a matter of fact, he is the type of person you want as a friend. His work was always based on being thoughtful and methodical in his approach. He was that way, not only in the manner of his life, but in legislating here in Congress.

I think of two things when I think of ED PEASE and what he did here in Congress; his service on the Committee on Transportation. ED was fiercely loyal and always attended every subcommittee hearing and full committee hearing. He was instrumental with regards to 21 States that always had been considered donor States since the inception of the interstate system, and the inequity in the gas tax and its redistribution formula across the States. ED felt that that was wrong, and he worked very hard.

They brought equity back to the funding formula to Indiana which had also always been a donor State since the 1950s. In the last Transportation bill, we received over a billion dollars more than previous bills, and I think ED PEASE's work needs to be complimented for what he did for the country.

With regard to DAVID MCINTOSH, DAVID is, I think, known as the analytical thinker, always working the angle to properly deploy what he perceives as the well-crafted strategy.

He is true to his principles and, at times, makes legislating difficult, because he seeks to hold the line, but that is what legislating is all about, not finding the easy course, but forcing two sides to actually sit down and work through their differences.

The country's loss, like ED PEASE, will be Indiana's gain. DAVID MCINTOSH is running for Governor of Indiana, and he hopes to lead Indiana into the 21st Century.

To ED PEASE and DAVID MCINTOSH, we thank you for your service to country, to the State, and to your community. You are precious assets, and you will be missed. God speed to you and your families.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

(Mr. GEKAS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. RILEY) is recognized for 5 minutes.

(Mr. RILEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

(Mr. SOUDER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CARIBBEAN AMNESTY AND RELIEF ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Madam Speaker, several weeks ago, I had the opportunity to address this body and talk about my bill, the Caribbean Amnesty and Relief Act, and I would like to speak about it again.

I am very proud to introduce the Caribbean Amnesty and Relief Act, which is legislation to reduce the devastating impact on the Caribbean community caused by the 1996 Immigration Reform bill.

The people of the Caribbean Basin have always been loyal friends of the United States. At the height of the Cold War, the United States looked to the Caribbean nations to fight the infiltration of Cuban-style Communism.

As a result, the Caribbean countries suffered political upheaval, and the people of the Caribbean fled to the United States to escape human rights abuses and economic hardship.

People of the Caribbean have now established roots in the United States, many in my congressional district. Many have married here and many have children that were born in the United States.

The economic structure of the Caribbean is such that it cannot absorb the great number of undocumented people now present in the United States.

Our country, in my opinion, should grant the Caribbean population already in the United States amnesty since they have been here so long and continue to benefit the United States economy.

The Jamaicans, for example, present in the United States, send back to their families 800 million in U.S. dollars per year. The Jamaican economy would be severely strained if that money were to disappear.

In 1997, Congress recognized that the Illegal Immigration Reform and Responsibility Act would result in grave injustices to certain communities, and so we passed the Nicaraguan and Central American Relief Act but left out Caribbeans. I believe that that was very unfair.

We need to pass legislation which will help the Caribbean community; thus, I am proud to take the lead on the Caribbean Amnesty and Relief Act.

I would like to again tell my colleagues what this would do. This bill would allow for an adjustment for permanent residents for Caribbean nationals who have lived and worked in the United States prior to September 30, 1996 and have applied for an adjustment of status before April 1, 2002.

This means that Caribbeans who have been in the U.S. prior to September 30, 1996 without proper documentation can receive green cards.

The bill provides for spouses and children of those who have become permanent residents under section (a) to also become permanent residents of the U.S. if they apply before April 1, 2002.

The bill establishes a Visa Fairness Commission, which will study economic and racial profiling by American consulates abroad and customs and immigration inspectors at U.S. points of entry.

The purpose of this section is to determine whether there is discrimination against Caribbeans and others when applying for a visa or upon entering the United States.

In addition, this section would allow for the Secretary of State to waive the visa fee for those who are too poor to pay.

Again, it is imperative that we try to unite families. It is unconscionable that we would have families here in the United States and others in the Caribbean nations who want to be reunited but through loopholes cannot be.

We are also concerned about the arbitrariness of people who are granted green cards and some people who are not able to get green cards. We think that much of this is done in an arbitrary manner.

Madam Speaker, this is important legislation, and I urge the House to give it favorable consideration as soon as possible. We are, after all, dealing with people's lives. I look upon immigration as a good thing for this country. Immigrants built this country. The reason why this country has done so well through the years is because the best and the brightest from all over the world have come to these shores, as my four grandparents did many, many years ago, and have helped to build this country.

What kind of a person emigrates to these shores? It is not a lazy person. It is someone who is willing to put aside all of the customs and cultures, leaving family behind and coming to this country is certainly an industrious, hardworking person who just wants to be given a chance.

That is what the United States has meant to millions and millions and millions of people through the years, for people to just have a chance. It is a win-win situation, because, in terms of helping the families, we are also helping this country.

Again, if we do not do it as this term winds down to an end, I will be reintroducing this in the next Congress, and I hope we can move so that this travesty of families being broken apart can be ended and that we can finally give relief to people who need it, helping them, helping their families and helping this country as well.

Madam Speaker, I urge this House to give my legislation favorable consideration as soon as possible.

PERMISSION FOR MEMBER TO DELETE CERTAIN REMARKS FROM THE CONGRESSIONAL RECORD

Mrs. MEEK of Florida. Madam Speaker, I ask unanimous consent to delete a portion of the remarks of my special order speech given earlier today.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

DEVELOPMENT OF ANWR IS IN THE NATIONAL INTEREST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Madam Speaker, I come to the floor today to set the record straight on some very interesting, but very misleading, allegations regarding the development of the coastal plain for our oil, your oil, in the State of Alaska.

Let me make it perfectly clear that nobody cares about the environment more than Alaskans. We have balanced our environment with what the Nation needs.

To give you an example of what we have been able to do with winter drilling, directional drilling, ice roads and pads, this is an oil field, what an oil well looks like in Alaska in the wintertime.

This is the alpine field itself. I want everybody to look at what is on the floor. It is snow. It is ice. It is probably 40 below zero, very, very hard to live there. But after we are all done, this well will produce probably 300 million barrels of oil for you, all of it going to the United States. This is what it looks like when we finish drilling.

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That is the footprint. That is the footprint. It is not much larger than the desk that the Speakers speak from behind here. That is what is left. Anybody saying there is going to be a huge footprint is not looking, not thinking, not being there.

And this is for us. This is Federal oil. And why should we not develop it? When I think of the footprint, I think of Boston or L.A. or Miami, those are really impacts upon the environment. But an even bigger impact upon our environment is our 58 percent dependence upon Saddam Hussein, Saudi Arabia, Kuwait, Venezuela, Colombia and Yemen. Think about that for a moment. That is a footprint. And by the year 2005, it will be 61 percent, unless we change our ways.

Last year, we imported very nearly a million barrels a day alone from Iraq.

A million barrels a day from Iraq. U.S. purchases from Saddam Hussein are $39 million each day we send him to build arms, to kill people, to potentially have nuclear war.

Do we want that kind of footprint? In fact, I would like to show a real footprint. Not this one less than the size of this desk, but this one. Do my colleagues recognize this footprint? I would like to refresh our memories. This footprint was Kuwait. Does that look like it is good environment? Is that protecting the atmosphere with all the oil burning? That is the footprint, not what I had in my own footprint.

Let us compare these two right here. I think it is pretty good, that is the footprint of those who are against developing our coastal plain. This footprint, green grass, wildlife, a little tiny thing not much bigger than that desk, or this one right here. That is the real footprint.

Then we have another one. I keep hearing 95 percent of it is open for development. If I could have the next one, 95 percent is open for development. This is what we are talking about. We keep hearing from people on that side of the aisle from Massachusetts, who have never been there by the way, have no concept, wants to have a reserve of oil to heat the homes for the senior people and wants to buy it from the OPEC countries and pay $34 a barrel, or use it out of the reserve which was set aside for strategic purposes only for military. I was here, he was not. And to have someone to say that this is the way to solve our problem by spending our reserve and then to say that 95 percent of Alaska is open for oil development and coastal plain.

This is closed from all the way here, all the way over to here, it is open here, closed, open and closed. Looking at that, 14 percent is open.

The ironic part about it, people say 95 percent. And I said something time and time again, just because this carpet is blue does not make it the sky. This is carpet. And just because an area might be open, most of it is closed, does not mean there is oil there. And how can this Congress keep saying because of special interest groups, we must not develop the small little coastal plain area less than a million acres? About the size of the Dulles Airport, by the way.

Madam Speaker, I desire to set the record straight on some very interesting, but very misleading allegations regarding the development of the coastal plain of my home State of Alaska. Let me say up front that nobody loves Alaska more than Alaskans and nobody cares more about protecting Alaska than the people who reside in our great state. What Alaskans have found in the more than 20 years of oil and gas development is balance. A way to balance our Nation's need for fossil fuels and our desire to conserve our precious natural resources. Alaskans accomplish this balance with technological advances such as directional drilling where development can tap oil and gas reserves from miles away. Technology has also reduced the size and impacts of these developments. Our soil and gas facilities on the North Slope have gotten smaller and smaller while becoming cleaner and cleaner. The surface disturbance of these areas is temporary and minimal. Advances such as ice roads and pads leave no impact upon the environment. But don't just take my word for it, let me show you a recent development site utilizing this new technology.

This photo demonstrates the winter oil and gas operations that will deliver oil and gas resources to supply our Nation's demands. Now, let me show you the footprint this development leaves when summer arrives and the ice and snow have melted away. This is how Alaskans develop oil and gas resources in our State, with minimal impact, surface occupancy while maximizing protective measures for the environment. With this successful track record, I hope my colleagues can understand why it is so deeply troubling for me to hear comments from some of my urban colleagues who try to lecture Alaska and Alaskans about environmental impact. When I think of man's impact on the environment, my mind races to big cities, like Boston, with huge expanses of development and air quality issues. Not oil and gas production that services our national demand in an environmentally benign manner.

Some of these same Members also advocate the creation of a Northeast heating oil reserve. While I may concede that there are some superficial merits to this notion, it will do nothing to solve the real problems our country faces regarding a domestic energy policy. While the band aid of a heating oil reserve sounds appealing, it is both unworkable and will rely on foreign imports to maintain the reserve's capacity. To address the heating oil issue, this administration decided to drain the Strategic Petroleum Reserve in an effort to impact heating oil prices. This ill-conceived, political knee-jerk was opposed by both Alan Greenspan and Secretary of the Treasury Summers. In a September memo, they wrote the President that draining the reserve would be a ''major and substantial policy mistake.'' Unfortunately, their forecast was proven true at the expense of taxpayers. We don't need temporary Band-aids to fix our energy problems—we need lasting solutions to the problem of dangerously excessive dependence upon imports. Fifty-eight percent of our Nation's supply is delivered from foreign sources. That is especially shocking when you consider that the United States was only 35 percent reliant during the 1973 oil embargo. And even more worrisome is that more and more oil is being supplied from countries like Iraq. Ten years ago, we went to war in the Persian Gulf to stifle Saddam Hussein. Within the last year, this administration has allowed Iraq to export nearly 1 million barrels per day to the United States. Why? Because this administration's energy policy consists of one principle: When the price of crude gets too high, we ask foreign sources to increase production to drive down price.

Madam Speaker, what kind of energy policy relies on our enemies to supply our Nation's needs? At the same time, this flawed policy provides millions of dollars to be used in a manner which places our global security in jeopardy. At today's prices, the United States reliance on Iraq's production hands Saddam Hussein more than $33 million per day. That adds up to nearly $1 billion per month. Thanks to this administration, Saddam Hussein receives funding that can be used to build weapons of mass destruction and carry forward his anti-U.S. agenda. Not only do these actions put our foreign policy and the national security at risk, they also are fiscally irresponsible and environmentally damaging. Imports of crude oil account for nearly $100 billion per year of our trade deficits—one-third of the entire trade deficit.

Also, let's not forget what environmental protection looks like in these countries. This is a picture of environmental protection in the less stable foreign nations the United States is dependent upon. The fact is, that a development in Alaska, the size of Dulles Airport, can help address the supply needs of the United States as part of a comprehensive national energy policy with a balance to protect the environment. Like all new Federal actions, it will take the passage of a law to begin the development of the coastal plain. However, the coastal plain was set aside for future development in § 1002 of the 1980 Alaska National Interest Lands Conservation Act. The first line of this section clearly states the intent, ''The purpose of this section is to provide for a comprehensive and continuing inventory and assessment of the fish and wildlife resources of the coastal plain of the Arctic National Wildlife Refuge; an analysis of the impacts of oil and gas exploration, development, and production, and to authorize exploratory activity within the coastal plain in a manner that avoids significant adverse effects on the fish and wildlife and other resources.'' And President Carter made this intent very clear at the signing ceremony when he said in the opening moments of that ceremony, ''This act of Congress reaffirms our commitment to the environment. It strikes a balance between protecting areas of great beauty and value and allowing development of Alaska's vital oil and gas and mineral and timber resources. A hundred percent of the offshore areas and 95 percent of the potentially productive oil and mineral areas will be available for exploration or for drilling.''

The intent to develop the portion of the refuge with the greatest potential for oil and mineral development is clear. President Carter made this point at the signing ceremony when he spoke of the offshore areas being completely open to development and the 1002 area being set aside for onshore development. Revisionists feel that the area set aside to provide ''vital oil and gas resources'' is now the biological heart of the refuge. These environmental extremists clearly have never visited the coastal plain of ANWR to witness how Alaskans have struck a balance between environmental protection and supplying this nation with the vital energy resources. Alaskans conserve the area our oil and gas developments occupy. We have only utilized 14 percent of our arctic coastline for oil and gas development—not the 95 percent some Members have erroneously stated. And we have reduced the temporary footprint these developments create. First generation developments utilized 65 acres. With 30 years of arctic experience, the same development would use less than nine acres. for some fields, directional drilling allows development without any surface occupancy.

Many of the concerns revolve around the caribou that calve upon the coastal plain. As a Member who served in the Congress during the consideration and building of the Trans

Alaska Pipeline, I have heard the allegation that oil and gas development will hurt the caribou that thrive within our State. This argument was made during the building of the 800 mile Trans Alaska Pipeline 20 years ago. It has now been dusted off and used in the debate against developing ANWR. Mr. Speaker, I think the truth about development's impact upon caribou can be easily found by looking at the impact over the past 20 years of the Trans Alaska Pipeline.

When the pipeline was being built the caribou population of the Central Arctic Caribou Herd was at 3,000. Since development, populations have been as high as 23,400. The reason caribou have thrived on the North Slope is because our arctic development has relied on technological advances which actually help create a favorable environment for the wildlife. With directional drilling and ice roads and pads, the oil and gas industry can utilize technology to protect wildlife and the environment.

Madam Speaker, developing the coastal plain of my home State of Alaska to responsible drilling is the right thing to do. This small development will supply this country with vital energy resources while doing no harm to the environment. Utilizing such a small area, as Congress intended, to service our Nation's energy needs is an important part of a comprehensive energy policy and something that can be done with balance to conserve the environment. It is something that the Native Alaskan population that call the coastal plain home want. It is something that a majority of Alaskans want. And oil and gas production from Alaska's coastal plain is something this nation needs.

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from Indiana (Mr. HOSTETTLER) is recognized for 5 minutes.

(Mr. HOSTETTLER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. VISCLOSKY) is recognized for 5 minutes.

(Mr. VISCLOSKY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

USING THE TAX CODE TO BUILD SCHOOLS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Madam Speaker, we have had a number of great fiscal debates on this floor. Yesterday we confronted the issue of how to use the Tax Code to help build schools in America. The Democrats had one approach, the Republicans had another. And the bill which was passed yesterday, unfortunately, was a blend of the two.

The Democrat approach makes an awful lot of sense. It builds on the tradition we have in this country that when school districts issue school bonds, the Federal Government gives them lower interest rates because the interest on those bonds is tax excluded, tax exempt, and accordingly those who buy bonds from school districts agree to lend that money with a low rate of interest.

Building on that, the Democrats have suggested that school districts, in effect, get zero-interest bonds, the chance to issue bonds where the holders of those bonds get no interest at all paid for by the school district, but rather they receive a tax credit from the Federal Government. So instead of subsidizing the interest cost, the Federal Government through the Tax Code would pay the interest costs.

The effect for school districts is to reduce their borrowing costs by one-third. That is to say, instead of repayment costs that might cost a school district $100,000 a year, they would be making repayment costs of $66,000 a year. That will allow school bonds to be sold throughout this country and allow us to build and revitalize schools, and that is important for our education.

What the bill we dealt with yesterday does is instead of providing $25 billion of these special tax credit, no-interest, lowest possible cost bonds to the school districts, providing $25 billion over a period of 2 years, it provides only $15 billion of those bonds over a 3-year period. Roughly half of what we Democrats suggested.

Now, in one way it is a little more than half. We wanted 25, they gave us 15. But if we really look at it, it is a little less than half. We wanted $12.5 billion a year; they are providing $5 billion a year. And what is also bad is that they have weaseled the Davis-Bacon language so that not only do school districts get less than half of the help they need, but we are going to get substandard schools built at substandard wages in inadequate quantity.

The Republicans, though, did provide another method of helping school districts. It was a new idea and an exciting idea. A terrible idea. An idea which will cost the Federal Government over $2 billion, but is worse than nothing to the school districts. What they are going to do is relax the arbitrage rules. What that means is they are going to turn to school districts around this country and say, ''We know you are going to issue tax exempt bonds, but when you do so, do not use the money to build schools right away. We are going to let you play with the money for 4 years.''

So this is a special incentive from the Federal Government to help the school districts. We are going to give them a free ticket to Las Vegas with the bond proceeds. Take the bond proceeds and go gamble them, and that is what Congress wants school districts to do.

Madam Speaker, did we forget what happened to Orange County, California, which went bankrupt just a few years ago? The idea will not help build a school on Elm Street, but it will help build skyscrapers on Wall Street.

The idea that we would encourage school districts to take 4 years, when they did not build schools and instead played with the money, does nothing for education. It will cost the government over $2 billion.

But I understand where the impetus for this provision comes from, because for many years I practiced tax law. I would emerge from the tax law library after 12 dreary hours of reading fine print regulations and I would say at least my job is exciting compared to those tax lawyers who are subspecialists in tax law for tax exempt bonds. That is the most boring job I can imagine, and I was a tax nerd for many years. I know boring.

The Bond Council want the excitement of the investment bankers. We should not do it. We should build schools now.

COMPREHENSIVE SCHOOL CONSTRUCTION LEGISLATION NEEDED BEFORE THE END OF 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Madam Speaker, today I would much rather be on my way back home to the central coast of California in order to spend time with my constituents. Instead, I rise to express my deep concern over an issue that greatly affects them as well as millions of other Americans: Schools in this country and in my communities which are overcrowded and in great disrepair.

In these last few hours in the 106th Congress, I am disappointed that we have not yet passed comprehensive school modernization legislation. But we are still in session and there is still time.

I strongly believe that education is a local issue. But overcrowding is a national crisis which demands a strong national response, not just a token. I have come to stand here on this floor several times on this topic. Recently, I held a letter signed by over 300 students from Peabody Elementary School in Santa Barbara expressing their desire for real, meaningful school construction legislation.

Now, this is a school in Santa Barbara built for 200 students which now houses over 600. These students know how disadvantaged they are when portable classrooms take up precious outdoor space which should be used in the development of their bodies and minds through physical activity. Time and time again, I have visited schools throughout my district which suffer from similar circumstances.

Madam Speaker, there is not a school in the Santa Maria Bonita district whose enrollment is not hugely impacted. One school comes to mind, Oakley, which was built for 480 students and now houses over 800. The high school district in Santa Maria is hoping to pass a bond measure because of the extreme overcrowding.

In San Luis Obispo, Cambria GRAMMar School was built to handle 200 students. They now have eight portables in its playground space with 345 students. Students who are kindergartners, the youngest of all, have been moved to a nearby middle school and they are housed in a small portable with a small fenced-in playground.

I spent 20 years as a school nurse in the Santa Barbara School District, and I have seen firsthand the damage that deteriorating classrooms have. The students cannot thrive academically if they are learning in overcrowded and crumbling buildings. This is the most crucial time in their lives for learning and we have an opportunity to do something about this.

Madam Speaker, I supported the America's Better Classrooms Act, a strong bipartisan measure, 225 cosponsors. It would have provided approximately $25 billion in interest-free funds to State and local governments so that school construction and modernization projects could occur. Such funding would help schools like Peabody, Oakley and Cambria Grammar Schools to make improvements in classrooms, playgrounds and would help reduce class sizes.

I believe here in Congress we must set our standards high to ensure that all children have the right start. All children deserve to have safe, clean, modern school environments to be part of each day.

So, Madam Speaker, this 106th Congress is coming to an end, but our students have a lifetime of learning ahead. They need our help now. I believe we can still act and must act to pass comprehensive school construction legislation in this session of Congress.

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INDIANA LOSING TWO GREAT REPRESENTATIVES

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from Alabama (Mr. BACHUS) is recognized for 5 minutes.

Mr. BACHUS. Madam Speaker, Indiana is losing two great Representatives when this session ends: the gentleman from Indiana (Mr. PEASE) and the gentleman from Indiana (Mr. MCINTOSH).

I think I can speak for all Members when I say that this is not only a loss for Indiana, it is a loss for this body. Both of them are intelligent, hard working Members of Congress. Both of them have remained true to their principles, and both are dedicated to upholding the honor of this House and to the American people.

I had the pleasure of serving with the gentleman from Indiana (Mr. PEASE) on the Committee on Transportation and Infrastructure. He has the distinction, and I know of no other Member that can make this claim, of attending every single meeting of that committee. But when one looks at where the gentleman from Indiana (Mr. PEASE) came from and what he accomplished before he came to Congress, that is not surprising.

When one compares the gentleman from Indiana (Mr. PEASE) and the gentleman from Indiana (Mr. MCINTOSH), there are a lot of comparisons. Both of them are down-to-earth people. They are common guys. They are nonpresumptuous. They are easy to meet, courteous.

It may come as some surprise to the Members of this body that both of them, in their educational backgrounds, they excel. They do not try to impress one with their IQ or their intelligence.

The gentleman from Indiana (Mr. PEASE) graduated with distinction from Indiana University and his J.D. degree, Cum Laude, from Indiana University.

Now, I know the gentleman from Indiana (Mr. MCINTOSH) better. I knew Ruthie. My wife Linda and I knew their daughter Ellie, who was born in 1997. But it was not until sometime later that I discovered that he came from a small farming town, Kendallville, in Indiana, and that he worked in a foundry to save money for his college education. That university was Yale University. He is a Yale University graduate.

He worked in the White House under Ronald Reagan. He was asked by this House to chair the Subcommittee on Regulatory Reform and Paperwork Reduction. Now, on that subcommittee, I think one of his greatest accomplishments was spearheading efforts to strengthen laws that protect the environment and health and safety.

At the same time, he did away with a lot of silly, unnecessary, down right stupid regulations. One required every paving crew to work in a heavy shirt and long pants on Indiana roads, even if it were over 100 degrees. He was able to work to eliminate laws like that.

Whether it is the gentleman from Indiana (Mr. PEASE), former Eagle Scout, going back to work in Indiana or the gentleman from Indiana (Mr. MCINTOSH), hopefully the next Governor of Indiana, they are going to be missed in this body.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mr. COOKSEY). Is there objection to the request of the gentleman from Florida?

There was no objection.

TRIBUTE TO THE HONORABLE BILL ARCHER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. SHAW) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHAW. Mr. Speaker, today I would like to rise in really celebration of a career of probably one of the most respected Members of this great body, and I am speaking of the gentleman from Texas (Mr. ARCHER).

The gentleman from Texas (Mr. ARCHER) came to this House back in 1970 after having served a short term in the Texas House of Representatives. But I think he really came into his own in 1994 when he became the Chairman of the Committee on Ways and Means after serving for several years as the Ranking Republican Member.

If there is one person in this body that I really try to as much as I possibly can to pattern myself after, my conduct and how I vote and how I view things, it would be the gentleman from Texas (Mr. ARCHER). He has such a high moral standard that he sticks to himself.

His ability to listen to the Members and his ability of inclusion on the Committee on Ways and Means, it is sort of a rare thing that one sees that there is a coming together, because we see tax policy different, the two political parties.

But under his leadership, he was a key player in getting the 1997 balanced budget with tax relief signed into law. That tax cut was the first tax cut in 16 years. That shows his ability to work with the administration.

I know that, on many occasions, he has gone down and has met with President Clinton on a number of things, some of which bear fruit and others that have not.

I would like to just tick off a few of the accomplishments that the Committee on Ways and Means has done under his leadership. He shifted the burden of proof off the taxpayer and onto the Internal Revenue Service. That does not sound like much. But under our form of law, the taxpayer had the burden of proof, which just does not seem to be fair under our sense of justice.

Under the leadership of the gentleman from Texas (Mr. ARCHER), we changed that. We gave taxpayers 74 new rights and protections in their dealings with the Internal Revenue Service. We created an independent oversight agency to oversee the Internal Revenue Service.

We gave new protections for innocent spouses. This is where, particularly in a case of a divorce, where the Internal Revenue Service would go back after, usually, the wife who just signed the return that her husband put in front of her; and they would go after her for things that were in the tax return that were stated wrong, fraudulently or in error. Now they have new rights, which is something that was very important.

It prevents the IRS from seizing homes without a court order. It seems peculiar that the IRS could have done this without court orders, but now they have to have a court order; and that is the right thing to do.

These things, among the others, were the first overhaul of the Internal Revenue Service since 1952.

Human resources, he steered the welfare and health care reforms into law. I had the great privilege of working with the gentleman from Texas (Mr. ARCHER) on welfare reform. We have done unbelievable things. We have cut the roles in half in this country, and in doing so, not just by shoving people off the roles, but giving them pride in themselves to raise their own self-esteem and expectations that we have of them and they have of themselves.

So many of these people have now become the role models for their kids, and that is terribly important. Eight million former beneficiaries are now working and have gained their independence. What a wonderful thing that is.

Child poverty now is at an all-time low. Out-of-wedlock birth rate plateaued and now is declining for the first time in an entire generation and longer.

Prisoners are no longer receiving welfare checks. That is something that is hard to believe, that welfare checks were being paid to prisoners, but that is what was happening. We put a stop to that. Taxpayers have saved $30 billion.

His goal was to preserve Social Security. The Archer-Shaw bill was a perfect example of trying to work with inclusion. All the hearings that we had, listening to our Democrat colleagues, we incorporated into the bill their concerns through the hearing process.

I would think that the gentleman from Texas (Mr. ARCHER), probably one of his great disappointments is that we did not get the bipartisan support and the support from the White House that we felt we were promised. But I am confident in the next Congress that we will save Social Security. That plan that we will adopt may not have the name of the gentleman from Texas (Mr. ARCHER) on it, but it certainly will have his spirit and the result of the good works.

Beginning in the year 2012, we are looking at a $120 trillion deficit in Social Security. One tries to think how many zeros are in 120 trillion. Just think of it this way, it is 36 times the amount of the national debt. We talk so much in this Chamber about getting rid of the national debt, and we have a projection out there by the Social Security Administration of an amount equal to 36 times, 36 times the national debt. That will be just over 60 years beginning in the year 2015. The gentleman from Texas (Mr. ARCHER) tried to change that. Mainly because of his good works, we will be able to reverse that in the next Congress.

He sponsored the bill and led the fight for the PNTR for China. As a conservative, he was the right man to lead that. I think that it is certainly a great accomplishment for which we can be proud.

When he took over the Committee on Ways and Means as chair, he actually looked at our staff and reduced the staff by one-third. This is something that I think is really totally innate, the extent of that reduction in this Congress.

The example of the gentleman from Texas (Mr. ARCHER) is everywhere, I think, in what he was able to accomplish, particularly during his time as chairman of the Committee on Ways and Means. He certainly will be missed, but his good works will be enjoyed by the American people for generations to come.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I really appreciate the gentleman from Florida (Mr. SHAW) bringing this special order honoring the gentleman from Texas (Mr. ARCHER). The gentleman from Florida has already gone over his legacy, and what a legacy it is.

I happen to have the district that is next to the district of the gentleman from Texas (Mr. ARCHER), and I have known the gentleman from Texas (Mr. ARCHER) for many, many years. In fact, he does not particularly like for me to tell people how long I have known him, but back when I was going to the University of Houston, my senior year in 1970, the gentleman from Texas (Mr. ARCHER) was running for Congress for the first time. At that time, it was the first campaign that I had ever worked in. I never met him. I did not meet him for another 20 years. But I saw a man that I wanted to work for, a man of great integrity, a wonderful conservative, a man of principle, a man that stood for principle.

The gentleman from Texas (Mr. ARCHER) was running as a Republican. Back in Texas in the late 1960s and early 1970s, they did not elect Republicans, they shot them. To run as a Republican was pretty near a death sentence if one really wanted to get elected. But the gentleman from Texas (Mr. ARCHER) stood up. He ran as a Republican. His district saw his great worth, and they elected him.

He has served with such distinction. Even when he served in the minority for so long, the majority would come to him for advice on tax policy and the tax code. Then when he took over as Chairman of the committee, most Members, particularly those that are not as senior do not remember, but the Committee on Ways and Means carried, I think, about 70 percent of the Contract with America.

They drove that legislation and did an outstanding job in telling the American people that we were going to do it. We showed them that we were going to do the Contract with America, and we did it under the Committee on Ways and Means and, most importantly, the leadership of the gentleman from Texas (Mr. ARCHER.)

It was hard to do because we were fought every step of the way in everything we were going to try to do. Most people do not see it this way, but it is true. The shutdown of the government was caused by the President of the United States because he was opposed to balancing the budget. Yet, the gentleman from Texas (Mr. ARCHER) stood there, and stood there with great, great strength in order to carry that out, and finally signed in 1997 the Balanced Budget Act.

Along with the gentleman from Florida (Mr. SHAW), the most important thing that I have ever done in my career and many of our careers was welfare reform. We found a system that had failed. It had failed because of its liberal approach. It had failed the people on the welfare system. It had destroyed families by being dependent on the government.

Yet, with the President fighting us every step of the way, we passed that legislation, and now we are reaping the benefits. Families are coming back together. Fathers are moving back in with the mothers of their children. Children are looking up to their parents as role models because they are receiving a paycheck. All of this is due to the will and the stamina and the distinction of the gentleman from Texas (Mr. ARCHER).

Let me just say on a personal note, the gentleman from Texas (Mr. ARCHER) is one of the finest men I have ever had the privilege of knowing. Because he is strong in his faith in God, his wife Sharon, whom he dearly loves, at his side, a very extensive family, he has been a role model that they have modeled themselves after. His children are role models in themselves to their own children. His legacy is truly his family.

Being the role model that he is, a man that shows integrity works, shows that being principled works, shows that if one loves one's family and holds them together, it truly works.

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And so I am more than pleased to be here in honor of BILL ARCHER.

Mr. SHAW. Mr. Speaker, I yield to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Florida, one, for taking this time to honor our colleague and our leader on the Committee on Ways and Means, the chairman, the gentleman from Texas (Mr. ARCHER).

I came to the House in 1978 and moved to the Committee on Ways and Means in 1983. My predecessor from my district in Bakersfield was a Congressman by the name of Bill Ketchum, who was a member of the Committee on Ways and Means during his tenure in Congress. I already knew BILL ARCHER by reputation through Bill Ketchum before I came to Congress.

BILL ARCHER has provided an extremely important institutional link to an earlier period of this body when there was a different tone, a different civility and, more importantly, a different approach to work product. The

thing that I will remember most about BILL ARCHER is that oftentimes we know a person as an individual and a person as a Member, and the way in which they conduct their business as a Member and the way in which they deal with various other personal aspects as a person are often different. I do not know of anyone else who follows a course in which his professional action is paralleled by his personal action.

Any time I have been in a closed room with the gentleman from Texas, and we have had to reconcile a difference, the reconciliation takes the course of what is the right policy; what is the appropriate action, not what is in it for me, this is necessary for my constituents. It served him well as a compass, but it has not always provided a smooth road. Because oftentimes he stood in the way of someone wanting to get something from a personal or a district point of view, and sometimes that individual's discretion was clouded by the desire to obtain a particular end and what that gentleman was going to do to comity, to the Tax Code, and to policy by doing it. This institution has been well served by BILL ARCHER many, many times behind closed doors when his resolute determination to do what is right has prevailed.

Sometimes when one winds up being in the majority, and obviously I served with BILL ARCHER in the minority for almost 16 years, and I think we get to know a person more when they are not able to do something, and the way in which they conduct themselves when they cannot do it, than when they are in a position of authority and they are able to do it. The civil manner in which BILL ARCHER presented his arguments, the determination, the preparation, is once again a model that all of us can remember and would be a model for all of us to adhere to.

When he became chairman, and Republicans became the majority, he carried that over to the conduct on the full committee. Those of us who are returning, and we have a very high level of confidence that we will be returning to a Republican majority House and majority control of the Committee on Ways and Means, though BILL ARCHER will not be with us physically, he will always be with us in spirit because there will come a time behind closed doors when we have a difficult choice to make, and the response should be, and will be, well, what would BILL ARCHER do. I hope that will be our guiding philosophy even when BILL ARCHER will no longer be in the room.

We wish him well, Mr. Speaker. We look forward to the enjoyment and the time he will have to spend with Sharon and the family, but that time will be taken away from his colleagues and the leadership he has provided us. He will be sorely missed by those of us who served with him as individuals; he will be much more sorely missed by this institution in terms of the way he conducted his public responsibilities.

I thank the gentleman from Florida once again for taking this opportunity for us to remember the real meaning of BILL ARCHER. Do as BILL ARCHER would do.

Mr. SHAW. I thank the gentleman for those very fine remarks.

In just a moment I will be yielding back the time, the balance of which I understand will be claimed by the gentleman from New York (Mr. HOUGHTON) to conclude this special order, but I would like to just point out a couple of extra things about BILL ARCHER which are tremendously important.

When I first went on the Committee on Ways and Means, the first thing they would do when they started marking up a tax bill was to close the doors. I can tell my colleagues that those sessions went a lot quicker and there were not as many speeches made, but he opened that process, which I think was a very good thing to do.

Also, I would like to, just from a personal standpoint, mention what great friends that he and Sharon have been to Emily and to me. In Congress we do make some friends that last a lifetime, and our relationship with the Archer's has been a very, very special one, and one that both Emily and I certainly treasure. After hours, many, many times we have gotten together for dinner or have gone various places. I know that they have shown a keen interest in conservation on the continent of Africa. One such trip, which was not a taxpayers' expense trip, I must say, was deep back in this Congo, where it took better than a day to get back where we were going. Then we would walk for miles and miles and miles through the forest. I can tell my colleagues that I believe that 70-year-old man can walk further than I can. He absolutely is in great shape. I can attribute that, I think, to the time that he spends on a tractor doing other various other things at his farm out in Virginia, which I know he and his wife dearly, dearly love. Her love for animals is something that is, I think, really, really quite incredible.

But I look forward to seeing more of BILL ARCHER. I have an idea that his days in government are not entirely behind him. He has so much yet to offer, and I look forward to working with him in the years ahead in other capacities.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COOKSEY). The balance of the pending hour is reallocated to the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, there are several of us that have remarks about BILL ARCHER, and I will begin.

I hope BILL and Sharon ARCHER are watching this program, because I do not believe anybody has said so many nice words to him to his face. We always say things behind people's backs, and it is easier to say things in public many times than it is in private. I think we all have felt these things, but it is many times embarrassing to say them on a one-to-one basis.

So, BILL, if you are listening, I do not want you to inhale all this stuff, but we really do believe it and want to express our appreciation and what you mean to us.

It is always hard to say good-bye to somebody, particularly somebody for whom you have such respect. I am not a tax lawyer. I am far from it. And one of the great courses I have ever taken, when I came to this place, was from BILL ARCHER in terms of tax law. I do not consider myself a great tax expert now, but whatever I have learned, I have learned from BILL ARCHER in a very solid and sort of relaxed way trying to explain the intricacies.

One of the things which I, as a sort of historian, have been interested in is his background, talking about institutional memory. Here is a fellow who was here when Wilbur Mills was here. Here was a fellow who was here when Russell Long was here. Those great titans of finance in our government gave him, obviously, a bedrock and an understanding of what the whole place was about in the thrust of the Committee on Ways and Means. I think all of us here who are on the Committee on Ways and Means are very humble about this. It is an extraordinarily important committee. One hundred percent of the revenues and 60 percent of the cost of the government goes through this committee.

When one is involved in these sessions with BILL, one understands not only the functional parts but also the historic parts. He has always led that way, so tremendously.

The gentleman from Florida (Mr. SHAW) was talking about welfare reform and was rather casual about it, I thought. Frankly, I think one of the most extraordinary pieces of legislation, I will say one of the top five pieces of legislation that I have seen since I have been here, is the welfare reform. That was BILL ARCHER and the gentleman from Florida (Mr. SHAW). The gentleman from Florida is very sort of modest about this whole thing.

I think another thing is their concept, which never went anyplace, and it is too bad because it is a great concept, and it may someday, is the concept of the Social Security System. They had a plan to fix it, and there would be an element of pain but not as much if we did nothing at all. He was always on the forefront of things like that.

One of the great things I think about BILL ARCHER is that he was never arrogant. Here was a man who had been in the minority for a long time and all of a sudden he was thrust in the position of chairman of the Committee on Ways and Means. Under those circumstances, after having been dying for years of not being able to be heard then suddenly being in the chairmanship, the way he conducted meetings, the way he was polite, the way he was respectful of people's opinions, both the people on the committee and also those people

who were testifying, is really an example in statesmanship.

There is something about this man that I think is important, particularly in the stressful days that we are going through. He never carried too heavy a pack. In other words, he always could sort of sense the humor and the perspective and the importance of this place and, as a result, was a great example to all of us. I can remember taking a trip, all of us have taken trips with BILL ARCHER, and on those congressional delegation trips many times we see a person in full flower, particularly when he was with his beloved wife, Sharon. Wonderful human beings. The type of people that, although I do not live in Texas, I would like to say, gee, I am so proud to have that person represent me. That was the type of person he was.

Mr. Speaker, I yield now to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from New York, the chairman of the Subcommittee on Oversight of the Committee on Ways and Means.

Mr. Speaker, as we come together on this floor, not to engage in the great debates and the differences that oftentimes define us, but to speak with a united voice in honor of our chairman, the gentleman from Texas (Mr. ARCHER), who has decided, after three decades of meritorious service, to leave our midst for private life, although I have a feeling that he may be summoned to other duties in future days.

Mention was made earlier of BILL's lovely bride Sharon and the menagerie of animals they keep in the Archer household. I would note with some pride, Mr. Speaker, that the Archer family cat is from the Sixth Congressional District of Arizona, having been picked up there by one of the Archer children during their time at Northern Arizona University. So I feel a kinship with the critters in the Archer household.

And from time to time being described as one of the more animalistic members of the Committee on Ways and Means when tempers flare, when the debate is joined, I must say, Mr. Speaker, I look with great respect on the unique ability of BILL ARCHER to disagree without being disagreeable. That is a remarkable gift. Because time and again when we come to this well or when we meet in full committee, there are honest disagreements and policy differences passionately held.

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The true mark of service and leadership for our chairman, Mr. Speaker, is his remarkable ability to deal in an affable, evenhanded fashion with every Member of the Committee, with every issue that may be contentious in nature, with every disagreement in such an agreeable fashion. It is a gift that escapes many of us, truth be told.

So the gentleman from Texas (Mr. ARCHER) the man leaves a legacy of kindness and civility, of unpretentiousness in a city where egos can clash, where, Mr. Speaker, if truth be told, most everyone who runs for public office and the euphemism of the new century has a healthy dose of self-esteem. The gentleman from Texas (Mr. ARCHER) stands as a modest man of incredible abilities.

The public policy side of the ledger demonstrates this and has been enumerated by speakers who have preceded me, including my good friend from New York.

Welfare reform can be looked upon as a bipartisan accomplishment driven by the chairman of the Committee on Ways and Mean, the first meaningful tax relief in almost a decade and a half under the chairmanship of the gentleman from Texas (Mr. ARCHER) and at times, even as recently as yesterday, when a sense of principle motivates him, there is no debate. The gentleman from Texas (Mr. ARCHER) disagreed with many of us yesterday and cast a vote based on his firm and unwavering ideals.

Our other friend the gentleman from California (Mr. THOMAS) mentioned times ''behind closed doors.'' And while those phrases are used as figures of speech, ''in the dark of night,'' ''behind closed doors,'' the fact is that we must sit down from time to time away from the roar of the grease paint, the smell of the crowd, and try to deal with policy.

And I do not believe I am violating any confidences. I believe, Mr. Speaker, were the chairman here today he would freely admit to all, as he did to us privately, his test for how to do this job in the people's House, a test that may have in fact been magnified given the role he played as chairman of arguably the most powerful legislative committee in the greatest Constitution republic this world has seen.

He said quite simply it is this, I made a promise to myself that, with every vote I would take, I would be able to sleep at night and I would remain true to my convictions.

So said the gentleman from Texas (Chairman ARCHER). His actions have never wavered from that simple test. And as recently as yesterday, at a time of contentiousness again, he held firm. We may not agree on every issue, but we can all agree, Mr. Speaker, that the actions of our chairman are indeed special.

Many others join us to share their reminiscences. I would simply say this again to reiterate. I am not at all certain that our chairman is headed for retirement. I think he is so valuable in so many different ways that there are those who may follow us into Government service who may cast a keen eye toward his talents. But for now in this role, as we prepare to conclude the 106th Congress, we do not say farewell, we simply say, Mr. Chairman, we will try to follow your example and we expect to see you again in other endeavors of public service. Because your wisdom, your unpretentiousness, your good common sense, and your grace under pressure are things that we cannot leave simply to retirement.

Mr. HOUGHTON. Mr. Speaker, I yield to the gentleman from Ohio (Mr. NUSSLE).

Mr. NUSSLE. Mr. Speaker, I thank the gentleman from New York for yielding.

Mr. Speaker, it has been said that character can be best defined by doing the right thing when no one is looking. I love that phrase. Because around here in Washington, D.C., particularly in Congress, there are a lot of people looking out there and it is easy to play to the camera and it is easy to play for the politics and everything else and there is often very few moments in time when we get to be on our own or dealing maybe one on one with a colleague.

I have had that opportunity with our chairman. And I have to report to my colleagues that he is a man of very high character. I have never seen him do what I could refer to as the wrong thing, infuriating as that might be at times. I tried to coax him into violating maybe some of his own principles, maybe some of his views, political or personal views, on a couple of different items. And he beat me every single time. But he was always fair about it, even though he was tough. He was always forthright, and he always gave me a heads-up. And I respect him for that.

I just come here today to say that, while there are a lot of people who are leaving this particular Congress, he is one who ranks up there as one of the ones that I will miss the most.

Around here in Washington and Congress, many people come and go it seems. The beauty of our system is that, almost like sticking your finger in a pool of water, as soon as it removes, it fills in. There will be a new chairman. There will be another representative from his district in Texas. But the ripples on the water that the gentleman from Texas (Mr. ARCHER) has left for freedom in this country will ripple on for a very long time. And for that I am grateful. I know his family is grateful. All of America should be grateful.

I bid him adieu.

Mr. HOUGHTON. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to join my colleagues in paying tribute to a man whose retirement announcement was one of the things that I most dreaded in this Congress.

When I came to Congress and came to the Committee on Ways and Means in 1994, the gentleman from Texas (Mr. ARCHER) was a beacon. We had just taken control. Revolution was in the air. And we were facing an enormous task of moving, as the gentleman from Texas (Mr. DELAY) noted, 70 percent of

the Contract with America through our committee and doing it right. We could not have done it without leadership of the character and quality of the gentleman from Texas (Mr. ARCHER).

He has been noted by other speakers for his extraordinary civility in an institution where that is an increasingly rare element.

I would like to say that the gentleman from Texas (Mr. ARCHER) has always struck me for his stoicism, his strong principle, and the fact that when it comes to principle, he has been absolutely unyielding. And yet, at the same time, Mr. Speaker, he has always been a superb legislative tactician. He has been courageous and articulate every time he has risen on the floor of this House.

This chamber has become kind of hushed, because the gentleman from Texas (Mr. ARCHER) always has something extraordinary to say and the expertise to back it up. He is one of those Members who brings to this body true intellectual rigor. He has a profound understanding of the Tax Code, and that has really been the hallmark of his term as chairman of the Committee on Ways and Means.

It is notable that he opposed the 1986 Tax Code when it passed, and with good reason, and every criticism that he made of that Code has been proven true. He has consistently advocated its replacement, and perhaps this body will some day have the courage to take up his challenge and pull the current Code out by the roots.

Yet, he has been involved in other issues, as well. I became aware that he was a leading advocate of raising the earnings limit for persons with disabilities and carried that issue in a number of Congresses. He has consistently defended the prerogatives of the House Committee on Ways and Means, the oldest committee in this body, and one that has always risen above the partisan zephyrs that have troubled other committees.

He has preserved the traditions of the Committee on Ways and Means very much in the tradition of the giants who have chaired that committee in this body, like John Randolph of Roanoke, William McKinley, and in our memory, Wilbur Mills. We will miss the gentleman from Texas (Mr. ARCHER). His shoes will be impossible to fill.

But like Nathaniel Macon in the 19th century, he has decided that he is at a stage in his life when he would like to move on and do something else. We respect that. We wish him and Sharon well. We will miss him sorely in future Congresses. He has been for me an inspiration and has been a source, I think, of great institutional memory and stability.

Mr. HOUGHTON. Mr. Speaker, I yield to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank my friend from New York for yielding.

Mr. Speaker, one of my most vivid memories as a new Member of Congress was my first meeting with the gentleman from Texas (Mr. ARCHER) after I had only been in Washington a couple of days. I went to see the gentleman because he was a member of what was then called the Committee on Committees, which now is called the Steering Committee, which makes committee assignments.

I was interested in serving on two committees, the Committee on the Judiciary and the Committee on Science. My first choice was the Committee on the Judiciary because it had subcommittees dealing with crime and another one that oversaw immigration policy. At the time, it was not thought possible to serve on both committees at the same time, even though that was my hope.

Well, a few days later, while the Committee on Committees was meeting, the gentleman from Texas (Mr. ARCHER) called me and told me that he thought that if I changed the order of my preference from Judiciary first and Science second to Science first and Judiciary second, we could ''throw a long pass'' and perhaps connect so that I would be on both.

I decided to leave it up to the Texas quarterback (Mr. ARCHER) and so put my committee assignments, and there is nothing more important to a new Member, in his hands. A couple of hours later he called back and said that I had been appointed to both. It was obviously thanks to his strong arm and steady aim.

It is obvious to any Member of Congress who has ever worked with the gentleman from Texas (Mr. ARCHER) that his strong arm and steady aim has been a characteristic he has always displayed. Whether it is giving Americans tax relief or ensuring the long-term solvency of Social Security or revamping the Internal Revenue Service, the gentleman from Texas (Mr. ARCHER) has as often as not completed that long pass.

One other characteristic needs to be mentioned, and that is that he not only has a strong record and steady hand, but he also plays fair and throws straight with his colleague. He tells us the truth. We know we can rely on what he tells us and what he really thinks about any issue or any piece of legislation. His consistent record of doing what is best for the American people, being straightforward in his dealings with others, and doing what he thinks is right are attributes that anyone in public life should aspire to.

Mr. Speaker, the good thinking and good judgment of the gentleman from Texas (Mr. ARCHER) will be missed, but he will always remain an example of an ideal congressman to us all.

Mr. HOUGHTON. Mr. Speaker, I yield to the gentleman from New York (Mr. GILMAN) the distinguished chairman of the Committee on International Relations, my friend and associate.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, I thank the gentleman from New York (Mr. HOUGHTON) for conducting this special order.

Mr. Speaker, I am pleased to join with my colleagues in paying tribute to a legislator who has been one of the more remarkable and outstanding Members of this body, a gentleman whose impending departure is going to be a genuine loss to the Congress and to our Nation.

The gentleman from Texas (Mr. ARCHER) first came to the House 2 years before I entered the House, initially being elected from his hometown of Houston, Texas, in 1970.

From his earliest days as a Member of the House of Representatives, the gentleman from Texas (Mr. ARCHER) dedicated himself to the need to reform our outdated tax codes and made it his highest priority as the chairman of our House Committee on Ways and Means.

In fact, many Americans would have been unaware of the injustice of the marriage penalty or the death tax were it not for the research and diligence that the gentleman put into spotlighting these inequities.

The gentleman from Texas (Mr. ARCHER) first sought election to the House when his incumbent Congressman, a young man by the name of George Bush, decided to vacate his seat to seek election to the Senate.

He is so beloved by his constituency, which he represents so meritoriously, that he has never been reelected to his congressional seat by less than a three-to-one margin. His 30 years of service to this body and to his constituents guaranteed that his shoes are going to be difficult to fill and he is certainly going to be long-missed. However, his years of service underscore that a long, healthy, and relaxing retirement is warranted and fully earned.

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To BILL ARCHER and to his lovely wife, Sharon, to their five children and two stepchildren, we extend our best wishes for a happy retirement together, with hopes they will often return to visit us.

Mr. HOUGHTON. Mr. Speaker, I yield to the gentleman from Ohio (Mr. PORTMAN), another distinguished member of the Committee on Ways and Means.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for having this special order.

You know, it is hard to imagine this place without BILL ARCHER. He will be very much missed; by me, by Members of this Congress from both sides of the aisle, by the Committee on Ways and Means, arguably the most powerful committee in Congress, that he has shepherded with such skill, and by this institution, by the House, as a body.

Let us be frank here. Not all of us will leave such a void. Not all of us will have such a remarkable legacy.

What is it about BILL ARCHER? He is a very special person. I have learned a lot from him. He is a principled, fierce advocate of limited government, and

yet no one I know has deeper respect for public service.

I remember once being at an event where BILL ARCHER was asked to speak. Without notes he stood up and recited from memory Teddy Roosevelt's great statement, in which he said, ''The credit belongs to the man who is actually in the arena,'' and BILL ARCHER feels that in his heart. He has respect for all of us as Members of Congress, in part because of that respect for public service.

He is firm, he is tough, he is also exceedingly polite. Who in this chamber has not been greeted at one point by BILL ARCHER with a smile, extending his hand saying, how are you? Even as Chairman, BILL ARCHER has been very careful not to demand loyalty from members of the Committee on Ways and Means. He rarely asks anybody for anything, and yet I know nobody who is more loyal than BILL ARCHER.

Leader DICK ARMEY reminded me recently of a song that BILL ARCHER is fond of. One day here on the floor things were tough on an issue, I was having a difficult time as a relatively junior Member of Congress, and BILL ARCHER took me aside and told me about a song he used to are cite to his kids to instill in them a sense of loyalty and brotherly love. It is a song about two combatants in the Civil War, one on the side of the North, one on the side of the South. One goes down on the Gray side of the line. The one on the Blue side of the line says something like, did you think I would leave you dying, when there is room on my horse for two?

He sung that song to his boys so that they would have brotherly love, but it goes to what BILL ARCHER believes, which is there is nothing more important than personal loyalty.

BILL ARCHER will be succeeded in Congress and in that district in Houston where he gets something like 80 percent of the vote, and he will be succeeded at the Committee on Ways and Means as Chairman, but nobody will replace BILL ARCHER. We are going to miss him, the Committee on Ways and Means will miss him, and this institution will miss him.

Mr. HOUGHTON. Mr. Speaker, I yield to the gentleman from Texas (Mr. ARMEY), distinguished Majority Leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from New York for yielding. Let me thank the gentleman from New York for taking this time.

Every now and then I think in our lives we ought to take time. We ought to just pause and reflect about the good people we are privileged to know, the good people with whom we are privileged to work.

In my life, in all the years, either in academics or here, never has there been more such a fine person I have been privileged to know and with whom to work than BILL ARCHER. He has been, for all of us, a source of encouragement, of optimism. On some occasions when we needed it, what should I say, Dutch uncle-ish criticism, critique and so forth. But BILL ARCHER is an interesting fellow in the way that he could give you the kind of critique you may need at a moment, and, at the same time, make you feel encouraged by it.

We are all going to miss BILL. I would like to share two observations in particular. We talk about how we related to him, what he meant to us as a colleague, fellow Members of Congress.

I would like to reflect for a moment on what he has meant to so many of the young people that have come through here. My observation has been all too many times, people come to Washington a young idealist and leave an old cynic. BILL ARCHER has beaten the odds on that one. He came here a young idealist, and he is leaving here as a not so young idealist.

But I think it was because of the relationship he was able to have with young people. I have seen that in my own Chief of Staff David Hobbs, who many of us see now as a competent and able person here, who had his beginning here on BILL ARCHER's staff. A Texas boy, graduate of the University of Texas, graduate of the Lyndon Baines Johnson School at the University of Texas, who admired BILL ARCHER and came here and was privileged to come here and got his early training here.

David was the first hire I made when I came here in 1985. For all these years I always said to David, I know you really love BILL ARCHER more than me. He never denied it. A couple of months ago, BILL ARCHER pointed out to me, ''You know, your Chief of Staff really loves me more than he does you.'' I said, ''BILL, I don't blame him. I love you more than I do me.''

So he had a big influence. I know there are probably thousands of stories of that kind of influence on young people who managed to come here and find their youthful idealism appreciated.

So, Mr. HOUGHTON, if I could end with this observation, it is an observation I made last Thursday with the Texas delegation at lunch. We had a great privilege to be in the majority. For many of us we felt it was something of a miracle in 1994 when we won the majority. We have had an opportunity to do things that many of us never thought possible.

But when I look on the reflection of it, there is nothing that I have experienced in the majority in the United States House of Representatives that has warmed my heart more nor given me greater reason for optimism about this great land than seeing my friend BILL ARCHER be Chairman of the Committee on Ways and Means. I believe it was the only job he ever wanted in this Congress, and, believe me, BILL, few people will ever be able to say with greater accuracy and conviction, I got to do the only job I ever wanted in Congress, and I did it to the best of my ability, and have people say, in a chorus of response, and no one, Mr. Chairman, could have done it better.

Mr. HOUGHTON. Mr. Speaker, I yield to the gentleman from Missouri (Mr. BLUNT), the assistant majority whip.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding to me and for taking the time today to honor the tremendous service of Chairman ARCHER.

I very well remember the first meeting I had with him as a freshman. It is easy for me to remember that, because it was not that long ago. But he quickly responded to my request to come over and talk to him about a piece of the Tax Code that affected colleges and universities.

I spent 4 years as a university president. I felt very comfortable about that part of the Tax Code. I went over and I found out, of course, in significant detail that the Chairman knew more about that very, very small part of the Tax Code than I did. But we had a great discussion. At the end of our great discussion, he had not changed his mind.

He felt strongly that he saw this Tax Code and the way it affected Americans headed in a consistent direction; that was the direction toward greater simplicity, a direction toward greater fairness, a direction where he thought that American families would benefit more universally from the Tax Code, and trying to eliminate those parts of the code that only benefitted a few, instead of benefiting many. He has been consistent, he has been strong. He has devoted himself to an IRS that works better, to a Tax Code that is hopefully fairer and more easily understood.

I know as he leaves here, he leaves here understanding there is still a lot of work to be done in that regard, and there will be work for Congresses to come to be done. But he has advanced the cause of a fairer, simpler Tax Code.

He has been consistent in his approach to every Member. His door has been open, from the lowest freshman on the totem pole to every other member in this conference. He would take time to explain to you his point of view, even though on your point of view, by others, it could have easily been argued quickly, well, you have only been here for a short period of time, or you do not understand the last generation and how this debate has gone on. But in fact Chairman ARCHER was always willing to take time to explain that debate, explain how we got to where we were, and his vision for where we yet could go.

I am hopeful that his service to America is nowhere near over. His legacy in this Congress will last for a long time, Mr. Speaker, but I think he has so much more to offer. I hope to see him willing to do that, and to continue to make the kind of significant contributions that he has made for a generation now in this Congress.

He has stuck with his commitment that this would be the time when he should leave the Congress, a mark that he set half a dozen years ago; that he

has decided to, absolutely, as he has done in every other instance, keep his commitments.

This is the committed time in his mind to leave the Congress. I hope it is not a committed time in his mind to not be available to further service to Americans, because he has a lot of service, a lot of wisdom, a lot of history, a lot of heritage yet to share.

I thank the gentleman for yielding to me, and for taking the time today to recognize the great work and commitment of Chairman BILL ARCHER from Texas.

Mr. HOUGHTON. Mr. Speaker, I just have a few brief words at the end. I think our side is done. I think we have expressed our feelings. But I would just like to say one more thing.

WILLIAM ARCHER's example, not what he has done, because what he has done is very significant, his example is one of the finest I have ever seen, and he represents the greatest, I think, the greatest characteristic that this country has to offer.

Mr. REGULA. Mr. Speaker, the legacy of BILL ARCHER is a gift of responsible government to the American people in a great diversity of actions.

Many times I have heard the cry for a national industrial policy. In truth, the tax code is the nation's industrial policy. BILL's ''steady as you go'' leadership has made our code far better than it would have been without his strong role of participation.

I did smile when PHIL ENGLISH mentioned President McKinley, who represented my home county of Stark as a congressman, as one of BILL's distinguished predecessors as chairman of Ways and Means. McKinley was a dedicated protectionist, however, in his last speech in Buffalo, he repudiated this policy. I think BILL would have liked the reformed McKinley rather than the congressional McKinley.

The people of this nation are in your debt for dedicated service for them.

My best to you BILL and Sharon for good health and many fruitful years of happiness.

Mr. CRANE. Mr. Speaker, it is quite possible I have known BILL ARCHER longer than anyone in this Chamber. We met for the first time 30 years ago at a Lincoln Day festival. BILL was serving in the Texas State legislature at the time. I was told by mutual acquaintances that BILL was a strong conservative of unwavering principles, and that he would soon be elected to Congress. They were right on both counts.

In fact, the only time I have known of BILL wavering occurred about three years before we first met. BILL found it necessary to correct a mistake he had grown up with. He switched from the Democratic to Republican parties.

I have had the great honor and pleasure to sit next to BILL for 25 years now on the Ways and Means Committee. We have fought many fights together. We saw the power of the Committee exercised first-hand under Wilbur Mills. We experienced the curious mix of Chicago-style politics applied to national policy under Danny Rostenkowski. We celebrated the 1981 tax cut together, the effects of which are still being felt in today's prosperity. And we suffered through the lost opportunities of the 1986 Tax Reform Act and the disastrous 1990 and 1993 tax increases.

BILL ARCHER has been a forceful and effective Chairman of the Ways and Means Committee through some of its most difficult years. These are partisan times, and, sadly, this partisanship has infected the work of the Committee all too often. Through it all, BILL has kept to his principles, and kept his sense of humor.

BILL ARCHER knows as well as anyone in the United States what is wrong with our tax system. And he sees all-too-well the unfortunate trends of recent years, such as the increasing use of tax credits and the use of the tax system as an alternative to spending. He has fought valiantly to resist these trends while building a fire for fundamental tax reform.

Unfortunately, BILL's legacy will not be the enactment of fundamental tax reform. But it will be the laying of the groundwork for the reforms to come. And they will come. Each of us must stand on the shoulders of those who preceded us. The Ways and Means Committee, and tax policy generally, will be standing on firm and principled ground years from now thanks to BILL's leadership.

To quote Winston Churchill speaking of Lord Halifax:

> The fortunes of mankind in its tremendous journeys are principally decided for good or ill—but mainly for good, for the path is upward—by its greatest men and its greatest episodes.

BILL ARCHER has participated in, and in some cases presided over, some of the Ways and Means Committee's greatest episodes. By virtue of his unbending adherence to principle and fairness in the most tempestuous of times, he is also, in my opinion, one of its greatest men.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

> H.J. Res. 117. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

GENERAL LEAVE

Mr. CLYBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the special order to follow.

The SPEAKER pro tempore (Mr. COOKSEY). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

TRIBUTE TO THE HONORABLE WILLIAM L. CLAY, SR.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from South Carolina (Mr. CLYBURN) is recognized for 60 minutes as the designee of the minority leader.

Mr. CLYBURN. Mr. Speaker, when this body ends this session, and I remain hopeful that it will, this august body is going to lose one of its most productive and innovative Members, WILLIAM L. CLAY, Sr.

BILL CLAY became a Member of this body in 1969, over 30 years ago. He came here as a young man, by his own admission, filled with a bit of anger. BILL CLAY had grown up in a system that gave very little respect to his skills, to his dreams, to his aspirations, and he had fought as a young man in order to make sure that opportunities would be open for people such as him. So, when he got here, he was filled with all kinds of anxieties.

To get a good feel for who and what BILL CLAY is, one should read his book, Just Permanent Interests. I have on occasion read various parts of that book. In fact, I have a choice of the three or four copies that people have made gifts to me of, and I keep one of them in each one of my places of abode, one here in Washington and one at home in the district. And every now and then as we encounter various things here on this floor and in our political interactions, I go to a part of that book in order to get a sense of some of the history that BILL CLAY has been a part of and some of the emotions that he experienced when he first arrived here.

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Mr. Speaker, I have been able to learn a lot from his experiences. And so when I arrived here, I sat with him, and we exchanged some of our great love of history. I am going to miss that when he leaves after next month.

Mr. Speaker, a lot of us will miss his wit and his wisdom. He is full of both; but for the wit, sometimes we would not have a good appreciation for the wisdom. So I want to say to BILL CLAY and others who are joining me today how much we appreciate him, not just as a Member of the Congress, but his personal friendship and interaction.

I suspect that I have had dinner with him more often than he would like. And, of course, I do not know, but I think he has enjoyed every one of them, because I have yet to be successful in getting him to pick up a tab for any of those dinners.

BILL CLAY has been a great guy. He has been a mentor to so many of us, and I consider it really a high part of my being here to be able to say to my children and grandchildren that I served here in this body for 8 years with him, and that we became fast friends, and that because of that friendship and because of that service together, I am a better person today than I was when I got here. I thank him for it.

I want to say to you, BILL, thank you for all that you have meant to me personally. Thank you for what you meant to my family. Thank you for what you have meant to those of us who have had the honor of serving with you.

Mr. Speaker, for the purposes of controlling the remainder of the time for

this special order, I yield to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

TRIBUTE TO THE HONORABLE WILLIAM L. CLAY, SR.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) will control the time for the minority.

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman from South Carolina (Mr. CLYBURN) for yielding.

Mr. Speaker, there are many Members who are gathering here this afternoon to pay tribute to Congressman CLAY.

Mr. Speaker, first, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, next year this Congress will be without the wit, the wisdom, insight, genius of one who has become a fixture and a fact of life. That loss is irreplaceable. In the next Congress, we will be without my friend, our colleague, Congressman WILLIAM ''BILL'' CLAY.

Throughout his career, BILL has been a trailblazer, a pathfinder, a pacesetter, an innovator, a leader.

Whether leading the fight to raise wages to a fair level, pushing through historical funding for college grants for disadvantaged students, taking on the fight to reduce class sizes, finding a way for federal employees to enjoy greater participation in the political process, initiating efforts to require employers to afford time for families, or reforming pension laws, BILL has stood firmly with workers, children, students, families and senior citizens.

He has been both the first and the last line of defense for the voiceless and voteless. More than a legislator, however, BILL is a noted author, a walking history book, a student, a teacher of science, a policymaker. But more than anything else, Mr. Speaker, he cares.

He is passionate when he speaks, because he is compassionate in his heart. This son of the Midwest has lived his life in sacrifice that millions could live their lives in pride.

He has manifested what his home State of Missouri symbolizes, ''don't tell me, show me.''

A dedicated husband, a loving father, he has helped to build this institution, the Congress of the United States.

His deeds have made a difference in many lives. Mr. Speaker, over time, many will come and many more will go, but few, very few, will leave the imprint that BILL CLAY leaves, having given three decades of his life in service to others.

At times, he has been a single voice, a lone agent for change. He has dared to be a Daniel. Most of the time, however, he is, indeed, a coalition builder. He is comfortable in either role. But wherever he has gone, whatever he has done, whomever he has confronted, he has left a legacy. He has given a gift. He is giving of himself. He has made an impact.

He leaves us now, not to quit, but to fight another fight, to write another book, to write another chapter, to run another race of life.

WILLIAM ''BILL'' CLAY, we will miss you. I have been rewarded, fortunate, favored, grace, privileged, inspired, invigorated, sometimes frustrated, but forever richly empowered to have served with you, and most of all, to call you my friend.

I will dearly miss you. Congress indeed will miss you. The United States is honored to have had you to serve us so graciously.

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. CLAYTON).

Mr. Speaker, I yield to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise to join with my colleagues in paying tribute to Congressman BILL CLAY.

Congressman BILL CLAY is more than a friend. As a matter of fact, we are kind of relatives. We are relatives by marriage. My nephew is his cousin. I feel very close to Congressman CLAY, not only because we share family members, but because Congressman CLAY represents the kind of elected official that I have always wanted to be.

Congressman CLAY has had a brilliant career. He started out as a young man with a mission, a young man who decided to run for office, because he wanted to create change, not someone who wanted to run for office because they thought it was an upward mobility opportunity or it was a way to get a title, but it was a young man who had a mission and put his life on the line for his mission.

I think I really did begin to understand who he is when I learned about the work that he did in my hometown and his hometown, St. Louis, Missouri, when he challenged the establishment. As a young man, as a young turk, he said that he could not be comfortable with the fact that African Americans, Negros would not, could not be hired in St. Louis by any of the major corporations.

He organized, he worked with other young turks and they confronted the establishment. He went to jail for what he believed in, because he decided to take on one of the most powerful banks in St. Louis who resisted the efforts of these young people who said why are you not hiring qualified Negros to fill these positions.

He went to jail for what he believed in. He literally did the kind of studying and assessment of the situation in St. Louis and helped to develop a document called the Anatomy of an Economic Murder. It is a report by CLAY that detailed the pitifully small number of blacks working for the city's big employers.

They were successful after a lot of hard work, a lot of organizing, a lot of getting people to confront what was happening. He was elected to the Congress of the United States in January of 1969. And, of course, this place has never been the same, because he came here with a mission, and he came here at a time when there were other young blacks elected to Congress who were determined they were going to bring about some change.

He came in with Shirley Chisholm and Lou Stokes. He and Lou Stokes became the best of friends. It is something wonderful about watching men who really do become friends, who respect each other, whose families become so very close that they take their vacations together. Young men who love each other, young men whose families began to live a life of commitment, with the wives and the children getting to know each other. I really have respect for those kinds of relationships.

What has he done here in Congress? He has been one of the strongest legislators that ever came to this place, not only has he gotten his bill signed into law. He has sponsored successfully over 295 pieces of legislation.

There are people who come here who never sponsor a piece of legislation. There are people who come here who do not even get an amendment to a bill. There are people who come here and go home and talk about all that they have done, really describing other people's work. So to get 295 pieces of legislation signed into law is a tremendous accomplishment. He served with distinction.

I talked about his brilliant career. But let me just outline for you or mention to you some of the things that he has done.

As a matter of fact, he has had the opportunity not only to serve on the committees where he was able to do some of this tremendous work, he is one of the few persons who has chaired at least two of the committees that I am going to talk a little bit about.

For 23 years, the Congressman served on the Postal Office and Civil Service Committee, chairing it from 1990 through 1994. Let me tell you, if you speak to any postal workers in America, they know who BILL CLAY is, because he fought some tremendous battles for them. He stood up for postal workers. He made sure that the work that he did would help to make working conditions better for them, would help to deal with creating possibilities for upward mobility for them. So the postal system in America is better off because BILL CLAY served.

From 1989 to 1994, he served as chairman of the House Administration Subcommittee on Libraries and Memorials.

He was among 3 Members of the House assigned to recount ballots in the 1984 congressional election in Indiana's 8th District.

Again, he sponsored over 295 bills, but let me just tell you about some of the most important of them. In 1996, Congressman CLAY was instrumental in

forcing a minimum wage increase through Congress, despite the adamant opposition of some of our friends from the other side of the aisle. But he has been a tremendous force dealing with historically black colleges and universities, Federal student grant and loan programs, class size reduction, the Carl D. Perkins Vocational and Technical Education Act, Individuals with Disabilities Education Act.

He has done all of these things. And he can take credit for the Hatch Act Reform Law that was passed. In addition to that, he can take a lot of credit for the Family Medical Leave Act that was adopted by the Congress of the United States of America.

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There are very few who will be able to match this brilliant career. I think he has left a mark on this House, not only because of his tremendous legislation, but because he is a friendly person who gets along with people. He makes us laugh even when we are mad at him. I have tried to stay mad with Congressman CLAY, but I cannot because he will walk up to me and tell me the funniest joke and get me laughing in ways that I never thought I would do.

He is a brilliant writer and author who is, I think, perhaps one of the best historians this House has ever known. If we want to know what happened in a particular year that he served here, just walk up to him and ask him about an issue, about legislation, about something that took place on this floor. He can recount chapter and verse and in detail what took place.

He is a prolific reader and a prolific writer. He is one of the original founders of the Congressional Black Caucus. I am able to serve in this House and work with a Congressional Black Caucus because of the work of BILL CLAY. He is a pioneer. He opened doors. He helped a lot of other people to dream that they could come here and do what he has done.

He is an icon in the city of my birth. I am proud of him. His family is proud of him. The City of St. Louis is proud of him. We all know that because BILL CLAY pioneered the efforts of African Americans to serve in this body, that a lot of changes have taken place and the cause of African Americans, and others who were denied, who were marginalized, have been advanced because he served here. I am going to miss him.

They do not make BILL CLAYS anymore. There are people who come here who know nothing about the history and the struggles of our people. There are people who come to serve here not intending to make anybody angry, not intending to give up any perks, not intending to cause any trouble or make any waves. BILL CLAY made some waves. He caused some troubles, but he was one of the finest debaters that ever graced this floor.

A combination of everything that he has done, his debate, his work, his talent, all of that has helped him to become one of the most respected Members of Congress that ever served. I will miss him and I hope that I will be able to call him and ask for his assistance and get his wisdom for things that I will attempt to do.

Mr. Speaker, I say, ''Thank you, BILL CLAY, for the service that you have given.''

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentlewoman from California (Ms. WATERS) for those comments.

Next, I would like to yield to our distinguished leader from Congressman CLAY'S home State, the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Speaker, I thank the gentlewoman for yielding to me for the purpose of talking about Congressman BILL CLAY on the occasion of his retirement from the Congress.

Let me first say that I have known BILL CLAY for over 25 years. We both served on the St. Louis Board of Aldermen many years ago. We both come, obviously, from the same city and really in a way grew up together in the City of St. Louis and have had many of the same experiences in our time in politics.

I clearly remember when I first got elected to Congress, BILL CLAY invited me to lunch and we sat and talked about what it was like and what it meant to be in the Congress. He has been a mentor to me and has helped me in everything that I have done in public life.

He is one of the finest human beings that I have ever met. He is a leader in every sense of the word on a whole range of issues that go from civil rights, which he has been deeply and intimately involved in through his entire career, through education, through health care, through labor and human rights and every other issue that is of importance to the people in his district.

Perhaps most importantly he has always stayed deeply connected to the people who elected him. Never was there a time when he did not go home regularly, meet with his constituents, solve problems in the community, help people with community issues, and try to be an advocate for all of the people that he represented.

He was also one who believed in politics. He is a politician in the truest sense of the word. And I admire that, I think, most in him, because he realized that to make change in our world, we have to be involved in political life.

For most of his career in the Congress and in the Board of Aldermen, he was also a committeeman in the City of St. Louis political operation. He believes in political action. He also believed in civil disobedience when political action could not get the job done. I remember one of the first times I learned about him, he was engaged in, I think, a sit-in at a prominent bank in St. Louis in order to get proper civil rights with regard to that institution and other institutions like it in St. Louis.

But never did his civil disobedience keep him from being involved in the political process. If he could get it done in the political process, he got it done in the political process. And to this day, he obviously has been involved in politics in the truest sense of the word.

He has raised a wonderful family and his children, to his everlasting credit, are also involved in politics. And, in fact, we know his son is now running for the seat that BILL is leaving and retiring from, and I believe and hope that he will be elected. But, again, he is in public service like his father was in public service, his daughter has been involved in politics. The whole family is focused on political life and how we can improve our country, how we can improve our community.

BILL CLAY never stops fighting for what he believes in. He is the dean of our delegation. We will miss him in every sense. He is tenacious. He never gives up a cause. He has a wonderful sense of humor. He always makes fun of himself and makes fun of the funny things in politics that we all laugh about.

In 32 years of service, no one fought harder for labor rights, for human rights, for education, and as I said, for his constituents. He was first elected in 1968. In his groundbreaking book, Just Permanent Interests: Black Americans in Congress 1870 to 1991, he wrote that the congressional election that year ''. . . reflected the changing fortune of blacks in American politics.'' With his classmates, Shirley Chisholm and Louis Stokes, he came ''. . . to Washington determined to seize the moment, to fight for justice, to raise issues that had been too long ignored and too little debated.'' And he did all of it.

Mr. Speaker, he was and remains a passionate and forceful voice for the people in his district, for equal treatment of all Americans, regardless of race, regardless of ethnicity.

In representing the hopes and aspirations of the people of his district, he built an institution within this institution that has stood for equal representation and opportunity. He was a founding member of the Congressional Black Caucus, which we are all so proud of today. He created one of the leading voices for African Americans in the Nation and an influential force in the House of Representatives.

I might add that if the majority changes in this institution in a few days, for the first time in the history of this institution, the chair of the Committee on Ways and Means will be an African American, the chair of the Committee on the Judiciary will be an African American. And I dare say if he had decided to stay, the chair of the Committee on Education and the Workforce would have been an African American. But none of that could have happened if BILL CLAY had not helped

form the Congressional Black Caucus and helped people of minority status run for the Congress and become Members of the Congress. And we would not have as many African Americans and Hispanic Americans and Asian Americans in the Congress if he had not fought those fights many, many years ago.

He has also been on the side of working men and women. He was a leader on the minimum wage, protecting worker rights, getting safety in the workplace. He authored most of the legislation for working people over the last 32 years. He was a labor supporter who gave no ground to those who attacked the right to organize, who attacked worker protections and the right to earn a decent living. Working families in this country, labor union members have never had a better friend and they will never have a better friend in this Congress than BILL CLAY.

He was deeply committed to making sure that every child in this society should be able to realize their full potential. He was the leading supporter of historically black colleges, the beacons of advancement and achievement for African American young people. He helped craft the Family and Medical Leave law that has helped so many families today. He challenged every Member of this institution to live up to the ideas of equality and justice and enshrine those ideas into our laws.

We are going to miss BILL CLAY. I asked him before I came down here whether he had decided what he was going to do next year and he said, ''Well, I have not even thought about it.'' I am sure he has not. But I am convinced that his service for the people of this country does not end with his leaving the Congress. He will continue to fight in other capacities for the people of this country.

This is a great leader. This is a heroic leader that we will miss in this institution. But I am only assured that knowing him, he will not stop the fight. He will be out on the field every day that he is on this earth fighting for children, fighting for civil rights, fighting for human rights, fighting for this democracy.

Finally, let me say that America is a better, more just, more civilly equal society today because of the work and the commitment and the passion and the leadership of BILL CLAY. We cannot say more about any of us who have ever served in this institution.

Mr. Speaker, I say to the gentleman, ''Thank you, BILL. God bless, you. God bless your family.''

Mrs. CHRISTENSEN. Mr. Speaker, I next yield to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I stand with my friends and colleagues of the Congressional Black Caucus and there are three words that I think kind of epitomizes BILL CLAY. Those are: Determination, dedication, and distinguished.

He is a man of such distinction. I am so pleased that he, along with a few members of the Congressional Black Caucus, formed such a caucus. Otherwise, we would not be here together in unanimity trying to work on behalf of the constituents we serve in our districts.

This man of honor is the most effective and hard-working colleague in the House. He is from Missouri and he is from that ''show me'' State, so we have had to show him our interest and our determination and our true grit on educating the children of this country.

He has served tirelessly and been a strong advocate for America's children. This is why we have to show him, and continue to have to show him, where our hearts are in terms of educating our children. We have heard from other speakers before that he has been in the forefront fighting for workers' rights and was the key sponsor of the Family and Medical Leave Act, which was the first bill signed into law by President Clinton.

For nearly two decades, Congressman CLAY fought hard and tirelessly for the Hatch Act which is one of his labors of love and one of the really sterling pieces of legislation that was passed out on this floor and signed October, 1993, by President Clinton.

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The gentleman from Missouri (Mr. CLAY) knew that he left his paw print and his mark on us, and so he then thought that he would get his son to come and follow in his footsteps, a young man of distinction. I hope that we do have the pleasure of continuing with a Clay Member.

He serves on many boards. One is the W.E.B. DuBois Foundation and the Jamestown Slave Museum. He also serves on boards for furthering education to our children, such as Benedict and Tougaloo colleges.

He is the founder of the William L. Clay Scholarship Fund, a nonprofit organization that will continue to give scholarships to young African-American students and other students who are aspiring to higher education.

Yes, the gentleman from Missouri (Mr. CLAY) will be missed in this body.

He is the recipient of numerous achievements, degrees, and awards. He is the author of many books, as we have been told, but one that really gives us a perspective of the history of the Congressional Black Caucus and black Members of Congress.

The gentleman from Missouri (Mr. CLAY) will be sorely missed. I know I have not known him for 20-some years, but I tell my colleagues, the way he has whipped us around here to make sure that we will take care of the education for the children of this country, it seems like I have known him for 22 years. Godspeed to him, a great man.

Mr. Speaker, I rise tonight to honor one of our most effective, hard working colleagues in the House. Congressman WILLIAM CLAY is the distinguished senior member of the Missouri congressional delegation. He is the Minority Ranking member of the House Education and the Workforce Committee where he has served as a tireless advocate for America's children.

As a native of St. Louis, WILLIAM L. CLAY was elected to the House of Representatives in 1968. And since that moment, Congressman CLAY has developed and promoted a legislative agenda focused on ''workers' rights.'' He was a key sponsor of the Family and Medical Leave Act, H.R. 1, which was the first bill signed into law by President Clinton. For nearly two decades, Congressman CLAY worked on the Hatch Act reform which was one of his labors of love and was signed into law October 1993, by President Clinton.

Congressman CLAY serves on many boards, one of which is the board of the W.E.B. DuBois Foundation and the Jamestown Slave Museum. He has served on the boards of Benedict and Tougaloo colleges. He is the founder of the William L. Clay Scholarship Fund, a nonprofit, tax-exempt scholarship program which presently enrolls fifty-six students in twenty-one different schools.

Mr. CLAY holds a Bachelor of Science degree in history and political science from St. Louis University and is the recipient of numerous honorary degrees for his achievements as a legislator. The Congressman is author of two books: To Kill or Not to Kill, published in 1990, which deals with the savagery of capital punishment, and Just Permanent Interests, published in September 1992, which chronicles the history of Black Members of Congress.

Congressman CLAY will be solely missed by myself, his Congressional Black Caucus colleagues and all of us here in Congress. But we know he will continue to provide leadership, dedication and compassion for America's workers and for education and our children for years to come.

Mrs. CHRISTENSEN. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to pay tribute to a genuine American hero, a tireless fighter for inclusion in one of the Nation's most influential and prolific legislators in the history, my friend, the gentleman from Missouri (Mr. CLAY).

The gentleman from Missouri (Mr. CLAY) was a hero for justice before he came to Congress, and the gentleman's record in Congress is nothing short of amazing. Virtually every piece of legislation he touches has a direct and decisive impact on all Americans.

For his entire career, the gentleman from Missouri (Mr. CLAY) has been one of the Nation's preeminent fighters for families and for students. His impact has been universally felt, whether through his critical support for the Family and Medical Leave Act, or his work as Ranking Member of the Committee on Education and the Workforce.

For decades, the gentleman from Missouri (Mr. CLAY) has fought to give every American an opportunity to succeed. As the gentleman from Missouri (Mr. CLAY) retires after a groundbreaking career, the Congressional Black Caucus salutes one of its

founders and most extraordinary workers.

Through the work of this congressman and his wife Carol, the Congressional Black Caucus and the Congressional Black Caucus Foundation have become two of the most important organizations in America. Thanks in part to the gentleman from Missouri (Mr. CLAY), the impact of African-Americans in Congress has been enhanced exponentially. Thanks to Mrs. Clay and her work with the Congressional Black Caucus Foundation, the number of African Americans serving at all levels of government has been positively impacted forever.

The gentleman from Missouri (Mr. CLAY) practices what he preaches. The scholarship fund that bears his name has awarded more than $1.5 million in scholarships to minority students. Right now, 58 students are in college as a direct result of his efforts.

He is an author and a scholar. His three published books have held America's feet to the fire and forced this country to examine the treatment of minority issues in the highest levels of power.

A bold innovator, the gentleman from Missouri (Mr. CLAY) has consistently used his stature to help the less fortunate, to make America stronger, and to raise the standard of living for everyone in the Nation.

Mr. Speaker, I am proud to call the gentleman from Missouri (Mr. CLAY) my friend. He has been there to support me and countless other Members of Congress during both good times and during some of the most challenging moments.

During this election season, when every candidate espouses his or her ability to lead, our youth should look to the gentleman from Missouri (Mr. CLAY) as a model of integrity, teamwork, and leadership. The Congress loses a true treasure with his retirement. But America can be thankful that we felt his influence on our lives during his remarkable life of service.

We know that we are not where we want to be, we know that we are not where we need to be, but we do know we are a long ways from where we were when the gentleman from Missouri (Mr. CLAY) came.

Mrs. CHRISTENSEN. Mr. Speaker, I yield to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I, too, am here today to honor and pay tribute to the gentleman from Missouri (Mr. CLAY), the Committee on Education and the Workforce ranking member, as he prepares to retire from Congress.

In the two terms I have served with him on the Committee on Education and the Workforce, he has proven himself to be a national leader on civil rights and human rights, a leader who truly cares about the people of his District and this country.

He has been a fighter for access to education for kids and access for postsecondary education for all Americans, especially women and minorities.

To serve in this Chamber for over 30 years displays supreme, supreme dedication. Yes, he is known by many as a great historian about Congress, but I will always remember him in the way in which he led his side of the aisle in the Committee on Education and the Workforce where I learned to respect this gentleman.

For 32 years, the gentleman from Missouri (Mr. CLAY) has been a powerful force on matters involving labor and civil service employees. This was best evidenced when he led the fight for the Family and Medical Leave Act, the first bill signed by President Bill Clinton. Working families have benefited greatly because of his excellent work in the U.S. Congress.

The gentleman from Missouri (Mr. CLAY) was also remembered and will always be remembered as a successful national leader in our fight to defeat a very unfair version of the Elementary and Secondary Education Act proposed by the House Republicans this 106th session. I will always remember how he pointed out the weaknesses in the work that they were doing and the amendments that they were able to pass because they had the majority.

I will always remember how the gentleman from Missouri pointed out the need for improving ESEA so that it would reach those children from families of low income who, in many cases, are not being served properly, who have to attend classrooms with leaky roofs and bad lighting and all of the things that we would never want our children to have to go to school in.

I will always remember the way in which the gentleman from Missouri pointed out the weaknesses of this ESEA program, not only for the minority children for whom he has always fought so hard, but for all American children.

I say that many of the things that we have heard this morning and this afternoon, as the gentleman from Missouri (Mr. CLAY) prepares to retire, is very true. But, especially, I learned that he had been one of the handful of Congressmen who founded the Black Caucus. I know that he saw that handful of Congressmen grow into a very powerful, large group of over 40 United States Representatives, better known as the Black Caucus.

When I came to this Congress, the gentleman from Missouri (Mr. CLAY) taught me the importance of building coalitions if I wanted to pass legislation in this United States Congress. It did not take me long to see a kaleidoscope of possibilities of what could be done when we joined the Black Caucus with a Hispanic Caucus and the Women's Caucus and the Native American Caucus and all those who have come together to be able to make the changes that are making life so much better in our United States, improving the quality of life of all Americans.

The gentleman from Missouri (Mr. CLAY) is a man who has made a difference for the people of St. Louis and all of America, not just the community that elected him. They elected him, and he earned the right to come to Congress because he was a vigorous and exciting campaigner, a tough campaigner. That is what we have seen him here as a Congressman, a man with a great deal of compassion, a great deal of commitment, and a man of integrity.

We owe the gentleman from Missouri (Mr. CLAY) our gratitude for accepting the challenge as he did and for fighting the good fight. God bless the gentleman from Missouri (Mr. CLAY) and God bless his family.

Mrs. CHRISTENSEN. Mr. Speaker, I yield to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from the Virgin Islands for yielding to me for a few minutes of remarks about the gentleman from Missouri (Mr. CLAY), our good friend.

What a career: Labor leader, civil rights leader, author, Member of Congress, founder of the Congressional Black Caucus.

However, no bio of the gentleman from Missouri (Mr. CLAY) is likely to contain one of his best qualities and one that will be especially missed in this body, and that is his wit, one of the sterling and best wits ever to hit the floor of the House. I know about what happens when it hits the floor.

One day, when people were coming to vote on the D.C. Appropriation, the gentleman from Missouri (Mr. CLAY) greeted people as they were going out, most of the Democrats having voted automatically for D.C., and said ''You just voted for D.C. statehood.'' Even among the Democrats, there were some people who lost the blood in their face.

That is the gentleman from Missouri (Mr. CLAY) for us. A man who somehow knew how to be serious and knew how to make fun. I tell my colleagues, in a body like this, we need that kind of Member.

The gentleman from Missouri (Mr. CLAY) is a Member who has always had the ability to laugh at himself, make us laugh at ourselves, and, yes, make himself laugh at himself.

My greatest regret that he is going is that he is going before his virtual inevitable chairmanship of the House Committee on Education and the Workforce, a chairmanship that would have been mighty well earned. I guess one has to understand the special quality of the gentleman from Missouri (Mr. CLAY) to understand how a man can walk away when that may be so very close. Indeed, I believe it is so very close.

If one had had the kind of career that the gentleman from Missouri (Mr. CLAY) has had, one does not have to hang around waiting for more. To be sure, there is a lot the gentleman from Missouri could have done as chair, given what he has already done.

But the fact is that his roster of accomplishments would make anything

he did as chair of a full committee icing on the cake: his work on notice for plant closings, if we can remember when those plants were closing precipitously all around the country; of course his work that has been cited in the Family Medical and Leave Act; the way he has blocked repeal of measures for affirmative action; his work on Hatch Act reform, his work on IRS reform. This is all very serious legislation.

What is important to remember about the gentleman from Missouri, for me at least, is that the man brought his career into the House. In the streets, he was a civil rights demonstrator and activist and a labor man. In this House, he became a labor Democrat and a civil rights Democrat. Few Members have been able to make that seamless a transition so that their entire life reflects what they have stood for. He did not have to change up when he came into the House. He simply brought his great principles, his great causes, and found a way to achieve what he had worked for outside on the inside.

The gentleman from Missouri was one of the first critical mass of African Americans to serve in this House.

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They got to have a small number, but large enough to form their first caucus and then to become a model for many others groups who then formed their own caucuses to press in a cohesive and unified way for their constituents.

BILL fought his way into Congress by fighting on the front lines of the labor movement struggle and the civil rights struggle. I must say there are probably few Members who can look back at their career and say they spent their first term as an alderman, the first 4 months of a 9-month term, actually in jail for his constituents. Talk about fibrous transitions. If that does not show it, I do not know what does. But it is one of those actions that cemented BILL CLAY in the hearts and minds of his constituents, and no one could have gotten him out of here unless he walked away from here if they had wanted to.

BILL brought that willingness to fight here, because that is part of who the man is, and it is quite amazing to see that a man with that kind of street smarts and street activity would have a side of him that most Members do not know. It is reflected in one of perhaps the longest of his writings, ''Just Permanent Interests,'' his book about black Americans in Congress from 1970 to 1991. It is an extraordinary compendium and reference and eye opener. That is BILL CLAY the scholar. That is this multifaceted man.

Well, I can only say to my good friend that we are told that a younger, more handsome CLAY is about to grace this floor. We will be mindful, however, that Representative WILLIAM L. CLAY was an original.

Mrs. CHRISTENSEN. Mr. Speaker, I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank my colleague and the gentlewoman from the Virgin Islands for yielding to me.

I have sat and listened and been thrilled and delighted and smiled hearing all of the accolades that have been bestowed upon BILL CLAY as he prepares to retire, and I agree with everything that I have heard. It occurred to me as I listened, though, that I knew BILL CLAY perhaps better than I did any Member of Congress, other than those from Chicago, in terms of being way back, and that is because St. Louis is so close to Chicago. We used to call it the big city, and felt we were one of the suburban communities of St. Louis.

But BILL CLAY has always represented a large urban area, which is not always the easiest to represent. There are large numbers of low-income people, people who are searching and seeking. In many instances in the Midwest and the north there are people who migrated from southern areas of the country, and so I know it well.

The thing that has impressed me the most about the gentleman from Missouri is that the same comments that we hear from his colleagues in the House we also hear from the people on the streets in St. Louis. I have never met a person in St. Louis who did not feel that they knew BILL CLAY. And it was not that they knew him through what they had read in the newspapers, or they knew him from what they had seen on TV, they simply felt close to the man. So the fact that he could give people a feeling of empowerment, that he could cause the ordinary person in a community, in a neighborhood, in the inner city to feel empowered is the true mark of a genius, a man who can transcend, a man who can communicate effectively, who can talk to the people on the corner, walk in the pool room, walk into the neighborhood tavern, walk in the alley where the people are working on their automobiles and having a beer in the summertime and be at home.

We used to work BILL to death, I guess, in the 1970s. There were not as many African American Members of Congress. I was involved with community action groups and organizations, and every time we needed a speaker, we would be looking, and we would just work BILL CLAY and Shirley Chisholm to death. We would work them. They would be running from one place to another. But BILL never said no unless he just had to. If he could make it, he would.

So, BILL, as you leave, I know you leave with the satisfaction that you have done a good job. You leave with the understanding that you have epitomized the words of Kipling when he said, ''You have learned to walk and talk with kings and queens, and you never lost the common touch. All people have mattered with you, but none too much. And, yes, you have given the unforgiven moment, with 60 seconds worth of distance run. Yours has been not only these chambers but yours has been the earth and all that is in it. And, yes, your father would say you have been a man, my son.''

Good luck and best wishes.

Mrs. CHRISTENSEN. Mr. Speaker, I yield to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Speaker, I thank the gentlewoman for yielding me this time.

It is with great humility and admiration that I stand before this body today for perhaps the most profound few minutes that I can imagine to pay tribute to a man who is a hero to many, many others and a hero to myself; a man who has paved the way for so many African American Members of Congress through his many, many years of distinguished service.

I like to say that my familiarity, my contact with BILL CLAY goes back many decades. Indeed, forever etched in my mind is a photograph of him as a young man, tall, handsome, a large Afro, being sworn in as a Member of the city council in St. Louis, Missouri, many, many years ago. For those of us who were young at that time and who also wore Afros, it was quite an honor, quite a motivation, quite an inspirational moment to see someone who looked like us, who came from the same type of background and neighborhood as we did, to finally be accepted into a government office, into the city council in St. Louis. Indeed, it was an inspiration, an inspiration that still motivates me even today.

It is probably one of the most pleasurable things that one can ever experience, having looked at a hero, at a role model, at someone that one idolizes, and then to have God's blessing of serving with him as a colleague in the Congress. But between that swearing in and my coming to Washington as a Member of this body, BILL CLAY touched my life on many different occasions.

I can remember a time, a period in American life when in my own home City of Chicago, in my home State of Illinois, when as a young man I was an activist, and there was a lot of turmoil and controversy, a lot of violence that occurred. A close, close friend of mine, Fred Hampton, a member of the Black Panther Party in Illinois, was murdered on December 4, 1969. And as a member of that organization, I do recall the kind of terror that was in my heart, the fear that existed among all of us as we were being hunted down by police agencies and the FBI all across this Nation. We did not know where to turn or who to turn to. But on the horizon BILL CLAY and other Members of the Congressional Black Caucus did come into Chicago and conducted a hearing in Chicago that kind of settled the turmoil, brought clarity to the situation. The impact of the Congressional Black Caucus in Chicago will never, never be fully told, but I can say this, that without the intervention of BILL CLAY and other Members of the Black Caucus, then I certainly would not be standing here today.

Let me just say that since I have been a Member of this body and have experienced not only his friendship and his professionalism, one thing that keeps me thinking and admiring BILL CLAY the most is that he really cares for this institution, he cares for everything about it. BILL CLAY understands this institution, the potential of this institution, and he works very, very hard to realize that potential for his constituents and for all Americans.

BILL CLAY understands the importance of the Congressional Black Caucus. Indeed, he was a founding member of the Congressional Black Caucus. BILL CLAY understands all the other allied institutions and agencies that affect this caucus. BILL CLAY is probably the single most profound individual, most consistent individual to look at the affairs of the Democratic National Club.

Mr. Speaker, that is another thing. BILL CLAY called me one morning a few years ago and asked me would I serve on the Congressional Black Caucus Foundation. This man cares about this institution and all the allied institutions and all the supportive institutions and all the institutions that impact on America's people, and I say to my colleagues that we will miss this giant of a man. We will miss this Member of Congress, this trailblazer, who in his own humbleness has touched many, many of us for many, many years.

I will say to BILL that my wife Carolyn asked me to pass on to him and his wife Carol that she is going to miss the letters that he sends to the spouses, our spouses, Members of the Black Caucus spouses, as he critique the actions and attitudes and the history and the legacy of the Congressional Black Caucus. The gentleman has been a friend, a person whose humor has really made this place a different place than what it could have been.

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He has been a beacon for us all. His history, his presentation, his involvement in this Congress certainly is unparalleled; and I thank him so very, very much. And to him and his wife, Carol, I say Godspeed and thank you for all the service that he provided. We are all going to miss him.

Mr. Speaker, it is with great humility and admiration that I stand before this body today to pay tribute to Congressman BILL CLAY, a man who has paved the way for so many African American members of Congress through this many years of distinguished service.

In a day and age when so many Americans are disillusioned with politics and politicians, BILL's historic tenure in this house represents the virtue and honor of a career in public service. Even before entering Congress, BILL tirelessly fought for equality for African Americans by organizing protests against racial inequality. As a member of Congress, BILL has been staunch advocate for those most in need of a voice in Washington.

As the ranking member of the Education and Labor Committee and the former Chairman of the Post Office and Civil Service Committee, BILL used his influential position to advocate for a stronger educational system and ensure greater worker protections.

As the founding member of the Congressional Black Caucus, BILL established a forum in which minority issues can be addressed. BILL was the glue that kept the caucus together. BILL has also fought tirelessly for working families through such efforts like the Family and Medical Leave Act.

BILL is also a wonderful writer and communicator. His book, ''To Kill Or Not To Kill,'' made us all think long and hard about the death penalty. Also, his book ''Just Permanent Interests'' is a testament about African Americans in Congress.

Let there be no question that the departure of BILL will leave a void in this body. We will miss his thunderous oratories, his tireless work ethic and his uncompromising morals. And yes, we will even miss his witty criticism of the Congressional Black Caucus' annual meetings. However, he will always live in this house because his legendary accomplishments and statesmanship are an example to us all.

BILL thank you for your leadership and friendship. It has been a personal privilege to work with a man I have admired so much throughout my life. I wish you and your wife Carol well.

Mr. CONYERS. Mr. Speaker, I rise today to honor my dear friend and colleague, WILLIAM CLAY. BILL and I have known each other for over thirty years, I have campaigned on his behalf, we have worked on legislation together and we have developed a deep abiding friendship. Indeed, Mr. Speaker, it is an honor to stand here today and pay tribute to both a true gentleman and a fine public servant. While in Congress, BILL CLAY worked to enact the Family and Medical Leave Act, ERISA, to increase the minimum wage, strengthen worker protections of union members, and to ensure fair treatment and pensions for women.

Congressman CLAY is the third most senior member of the House of Representatives, the dean of the Missouri Congressional delegation and ranking member of the Committee on Education and Workforce and former Chairman of the Postal Operation and Civil Service Committee. He has also served as the Historian for the Congressional Black Caucus.

In his role as the Ranking Member on the Committee on Education and Workforce, in addition to the aforementioned accomplishments, he enacted numerous education provisions; including those strengthening Head Start, elementary and secondary education programs, and college financial aid programs. Just last year, he helped engineer a student loan forgiveness provision for new teachers going into inner city schools and a provision which reduced the interest students pay on educational loans. Additionally, he has always been a strong voice and champion for working families.

Mr. Speaker, this moment is bittersweet. It is with great pride and with sadness that I bid farewell to my dear colleague. The price is due to the great work and fellowship that I have shared with BILL and the sadness is because I will dearly miss our one on one interactions, his counsel and his presence. BILL has always stood for justice, fairness, and equality for all citizens. His sense of commitment and morality has always been that every person is entitled to live in a decent home, in a safe neighborhood, receive a quality education, be paid commensurate with one's experience, and receive the best medicare regardless of social status. He has served these principles in an exceptional way—he will be sorely missed by the nation and by me.

Mr. DIXON. Mr. Speaker, the past few years have witnessed the departure of some of this institution and the Nation's most distinguished and effective legislators. This year certainly is no exception. With the departure of our dear colleague, dean of the Missouri delegation, third ranking Member of the House, and distinguished gentleman from the 1st Congressional District of Missouri, the Honorable WILLIAM L. CLAY, the House is losing one of its most extraordinary members.

Educational trailblazer, legislator, author, political firebrand, and passionate civil rights activists and advocate for the rights of working men and women throughout this country, BILL CLAY has concentrated his congressional career on improving working conditions for men and women, ensuring that every child, regardless of their socioeconomic background, has equal entitlement to a quality educational foundation, assuring Americans a quality health care network, and providing seniors with a safe and secure retirement system.

As the ranking and senior Democratic member of the Education and the Workforce Committee, BILL has influenced and had a major impact on most of the major Federal education and labor initiatives to have occurred over more than a quarter of a century. Appointed to the then-Education and Labor Committee in 1969, he has been one of the committee's staunchest proponents of higher education funding, and for maintaining a decent, realistic, and respectable living wage for employees. He has been a stalwart supporter of this Nation's 39 historically Black colleges and universities (HBCUs), many of which have produced some of the Nation's most distinguished and successful African American public servants, business entrepreneurs, educators, and government officials.

During his illustrious congressional career, BILL has sponsored or co-sponsored nearly 300 bills which were enacted into law. Among them, legislation to increase funding for higher education and the minimum wage; reform of the Hatch Act; and providing economic assistance and job training for dislocated workers. Also, legislation which reauthorized the Pell Grants Program for disadvantaged students; the Carl D. Perkins Vocational and Technical Education Act; the Individuals With Disabilities Education Act; and the Higher Education Act. As my colleagues know, these citations scratch just the surface of the thousands of history-making bills with which ''the distinguished gentleman from Missouri,'' has been chiefly responsible for or affiliated with during his remarkable 32 years in Congress.

Early in his career, BILL worked to develop the Employee Retirement Income Security Act (ERISA), a law which protects private pension and welfare benefits. He played a strategic role in legislation that led to the enactment of Cobra, which provides qualified beneficiaries, such as surviving and/or divorced spouses, and terminated and reduced-time employees, to continue health insurance coverage in employer provided group health plans for a transitional period until such time as they are able to obtain other coverage. One of the bills with which this bill is perhaps best identified, is the

Family and Medical Leave Act, landmark legislation which provides employees with up to 12 weeks of unpaid leave annually to care for a new born infant or sick and infirm family members. The Family and Medical Leave Act was the first bill signed into law by President Clinton shortly after his 1992 inauguration and it has been a Godsend to millions of workers and families faced with family emergencies.

Prior to its dismantling, BILL chaired the Post Office and Civil Service Committee from 1990–1994. He also chaired the Franking Commission, and from 1989 to 1994 served on the House Administration Committee, chairing the committee's Subcommittee on Libraries and Memorials. In 1990, he became one of the first Members of the House appointed to the Office of Fair Employment Practices Committee.

BILL has spent nearly 50 of his 69 years fighting for the civil rights and equal opportunities for all minorities.

As a founder and senior member of the Congressional Black Caucus, BILL's advocacy for civil and voting rights opened the doors that made it possible for more junior members of the caucus to run successfully for election to the Congress. As a longtime board member of the Congressional Black Caucus Foundation, Inc., he has been one of the most steadfast proponents of the organization's excellent educational programs.

BILL's passion for education also led to his founding of the William L. Clay Scholarship and Research Fund in St. Louis. Because of his efforts, more than 100 St. Louis area students have been able to attend colleges and universities throughout the United States.

A serious and astute student of the history of this Nation, BILL is the published author of two books, ''To Kill Or Not To Kill,'' which examines America's capital punishment system and its disproportionate impact on African Americans; and ''Just Permanent Interests: Black Americans in Congress 1870–1992.'' BILL currently is working to complete his third publication, ''Racism in the White House.''

Mr. Speaker, students and employees throughout America can thank BILL CLAY for many of the educational opportunities and substantially improved workers benefits they enjoy today. He has been their biggest and most ardent supporter, spending the better part of his adult life, and certainly his entire congressional career, committed to improving the social condition for them and for all Americans. It has been an honor and a distinct pleasure to serve with him in the Congress. As he prepares to say farewell to this esteemed institution where he has had such a tremendous impact on the social fabric of this country, may he do so proudly, grounded in the knowledge that he leaves behind a legacy that is secure for the ages.

Good luck and Godspeed BILL. May you and Carol enjoy a long, healthy, and prosperous retirement.

Mr. BISHOP. Mr. Speaker, it is truly an honor to have an opportunity to serve with our friend and colleague BILL CLAY, whose contributions during 32 years of service in this body have earned him widespread recognition as one of America's great voices for justice and opportunity during the last half of the 20th century.

To me, and I'm sure to everyone who follows in his footsteps, he has been a personal mentor—one who has inspired us and guided us with his extraordinary skills; dedication and integrity; intellect and eloquence; and his thoughtful and gentlemanly demeanor that somehow makes his tenacious fighting spirit all the more effective.

Many Americans believe that those of us who serve in public life may tend to overstate things from time to time. But that would be difficult to do in reference to BILL CLAY's record of accomplishment.

There is just so much that he has done that benefits people in his home state of Missouri and throughout the country.

He fought for Hatch Act reforms for two decades, and eventually succeeded. In fact, he played a major role in shaping and passing a number of major initiatives that have helped ensure safety and fairness in the workplace.

His imprint can be found on virtually every federal educational program that exists today, from Head Start to college aid.

He was among those who engineered a student loan forgiveness program that eases the student payments on educational loans and provides an incentive to attract qualified new teachers into schools where they are needed the most. And this year, he is a leader in the effort to reauthorize the Class Size Reduction Act, which is adding 100,000 teachers in school systems throughout the country.

He is a thinker and writer who has authored several important books; a philanthropist who founded a scholarship fund that has helped scores of young people to fulfill their potential; a public servant whose efforts have brought enduring changes; and a committed citizen who has more than lived up to his belief that everyone should have a decent home in a safe neighborhood; receive a quality education; have an opportunity to work at a job commensurate with his or her skills and abilities, and receive quality health care regardless of income or social status.

I know I will personally miss BILL CLAY's friendship and leadership in this body.

More importantly, he will be missed by the country at-large.

But anyone who knows him knows that he is not the kind of person who will just vanish from sight.

Whether retired or on active duty, you can bet that BILL CLAY will be a caring, involved citizen, continuing to do everything in his power to make life better for others and, in so doing, to provide inspiration and guidance for us all.

And, for that, we can all be thankful.

Mr. TOWNS. Mr. Speaker, I rise today to honor my good friend and retiring colleague, BILL CLAY.

For nearly three decades, you have served African Americans across the nation very capably, Members of Congress included. When you founded the Congressional Black Caucus several decades ago, the environment on Capitol Hill and in America was very different. It was a time of struggle, and in spite of the many victories we had won during the Civil Rights Struggle, you knew we still had a long way to go. Congressman CLAY, the victories you won in those exciting, turbulent days mean so much for African Americans today.

Many of my colleagues gathered here today will remember that in Post-Civil War America, Congress passed the Fourteenth and Fifteenth Amendments to the United States Constitution. While 22 African-Americans were elected to Congress in the following years, the promise of these amendments was destroyed by Jim Crow laws. After decades of struggle, the sacrifices of nonviolent civil rights protesters, such as yourself, spurred Congress to approve the Voting Rights Act in 1965. The passage of the Voting Rights Act was perhaps the most important victory won by BILL CLAY and the Civil Rights Movement. Today, with what I hope will be the imminent Democratic takeover of the House of Representatives, our nation stands on the eve of a historic moment as the prize of the Civil Rights Movement—the Voting Rights Act—bears fruit.

The fruit comes in the form of African American legislators like myself, gaining seniority, the foundation of power in Congress. In fact, the upcoming Congressional Election represents a significant opportunity where, for the first time in United States history, Congressional Communities would be chaired by 3 African Americans: Congressmen CHARLIE RANGEL, JULIAN DIXON and JOHN CONYERS would Chair the Ways and Means Committee, the Select Committee on Intelligence, and Judiciary Committees, respectively. Further, as many as 10 African Americans, including myself, would chair important Subcommittees if the Democrats win the majority. BILL, this is your legacy, and I salute you for it.

I am also pleased to announce that your work will be continued in the 107th Congress. For example, earlier today, like you, I have long been interested in promoting sound public policies that will ensure that students living in economically disadvantaged areas have the same educational opportunities as children in affluent areas.

That's why I introduced legislation to create Educational Empowerment Zones. This legislation is premised on the idea that giving teachers meaningful incentives to live in the communities where they teach will improve the educational opportunities for children in low-income areas. My legislation will provide for the establishment of federally designated areas where federal aid and private funding can be targeted to increase teacher salaries, provide for loan forgiveness, and enhance teacher-training opportunities. The specific choice of the Educational Empowerment Zones will be based on factors such as the number of low-income families, the dropout rate, the rate of teen pregnancy and class size.

BILL, in addition to promoting initiatives like my Educational Empowerment Zones, I am looking forward to guarding your legacy by working with the Congressional Black Caucus to take the lead on efforts to close the Digital Divide. As we travel through our Districts and look in the faces of our children, we see the tremendous potential within these kids. It is our duty to ensure that this potential is not wasted because they do not have access to technology.

As we all know, our rapidly growing electronic economy will drive our growth and prosperity throughout the new century. Yet, business leaders and policy makers must work together to ensure that everyone in our society is positioned to reap the benefits of, and participate fully in, the new digital age. In my opinion, the effort to close the digital divide represents the first major civil and economics rights struggle in the new millennium.

We've seen the statistics, and we know people on the downside of the digital divide—the 'have nots'—are already at a competitive

disadvantage in pursuing educational and professional opportunities in an increasingly online society.

Mr. Speaker, I hope that we will be able to work together on this and similar initiatives aimed at closing the Digital Divide.

In closing, let me say again, BILL, that I salute you for your accomplishments in Congress and the legacy you will leave us. I hope that we will be able to guard that legacy and keep opening doors of opportunity for all children in America.

Mr. SCOTT. Mr. Speaker, I wish to pay tribute to a good friend and colleague, Congressman WILLIAM ''BILL'' CLAY. I have had the pleasure of serving with BILL on the Education and Workforce Committee since my election in 1992.

Throughout his service, BILL CLAY has been a fighter—a fighter for the hard working Americans who have made our country a global economic leader, a fighter for the disadvantaged, a fighter for public education but most of all a fighter for social justice.

Looking back over his career as Chairman of the Committee on Post Office and Civil Service to the Committee on House Administration, to his current membership as Ranking Member on the Committee on Education and the Workforce, we find his imprimatur on numerous initiatives. He stewarded the landmark Family and Medical Leave Act into law, the Hatch Act reform bill which allows federal employees to participate in the political process, legislation prohibiting age-based discrimination in employee benefits, legislation providing federal loan guarantees for construction projects at Historically Black Colleges and Universities.

BILL CLAY's penchant for being a fighter has served his constituents, this Congress and especially the Democrats on the Education and Workforce Committee well. For those of us who served with him on the Education Committee, his leadership was crucial at a time when we were in the Minority. Under BILL CLAY's leadership we turned back radical efforts to eliminate the U.S. Department of Education, defeated school voucher proposals, and championed meaningful education reforms and programs, like Class Size Reduction and School Modernization, that help the many, not just the few.

As an original founder of the Congressional Black Caucus, BILL CLAY started us on the path to where we are today, a highly respected body that is on the front lines championing the causes of the African American community in the legislative process.

I have no doubts that BILL will continue the good fight after he leaves Congress. I look forward to his continued leadership.

Ms. WOOLSEY. Mr. Speaker, I am pleased to join my colleagues in paying tribute to BILL CLAY.

I have known BILL CLAY best as my ranking member on the Education Committee for the past six years.

During that time, I have seen firsthand BILL's tireless efforts for working families in this country.

Whether he is fighting to increase the minimum wage, to protect workers from overtime abuses, or improve workplace safety, BILL CLAY cares about American workers.

And he cares about their children. He is a leader in our efforts to make sure that every American children has a safe, sound school to go to, with small classes and well-trained teachers.

In Labor and Education Committee hearings, and here on the House floor, BILL CLAY speaks up for those Americans who cannot always speak up for themselves.

American working families have always been able to count on BILL CLAY to do the right thing. They will miss him in Congress, just as those of us who serve with him will, too.

The SPEAKER pro tempore (Mr. SIMPSON.) The time of the gentlewoman from the Virgin Islands has expired.

Mr. FORD. Mr. Speaker, I ask unanimous consent for an additional 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. SMITH of Michigan. Mr. Speaker, I would object to anything more than 5 minutes. A couple of us have been waiting quite a while. I certainly respect the opportunity for the gentleman from Missouri (Mr. CLAY) to respond, so I would not object to 5 minutes. But I would object for more than that.

Mr. FORD. Mr. Speaker, I ask unanimous consent for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from Tennessee (Mr. FORD) is recognized for 5 minutes.

There was no objection.

Mr. FORD. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentlewoman will yield, it is my honor to be able to rise to the occasion to salute a very important gentleman. It certainly is difficult, however, to speak about him in 1 minute.

Many of us know him as the Honorable WILLIAM L. CLAY of St. Louis, Missouri, also known as the ''show me congressman.'' But I know him as teacher, as Mr. Historically Black Colleges and Universities, as Mr. Working Americans and Families.

All that we have heard of the gentleman from Missouri (Mr. CLAY) is that he is certainly not shy in engaging in advocacy for the voiceless. But I might take my colleagues back to a special time in our history so they can see how his political journey was formulated.

And 1968 was the first year of his election, the year of Martin Luther King's assassination and the assassination of Bobby Kennedy. How could the gentleman from Missouri (Mr. CLAY) be any less than a warrior and a fighter for providing better education for our children and reauthorization of the Elementary and Secondary School Act, exploring and explaining the Hatch Act, making sure that if factories are closed the workers have protections and rights?

Oh, Mr. Speaker, I wish I had more time. I wish this body would refrain from its rules and regulations and allow us to pay tribute to a man who deserves this great tribute.

The gentleman from Missouri (Mr. CLAY) is my friend. He is our historian. I will miss his eloquent words, his chastising, but, most of all, your fight and your heart. How could a man who saw the death of Martin Luther King and Bobby Kennedy be any less?

We look forward to his son. We thank him for his daughter, his wife, and all of his family. We thank him for St. Louis, Missouri, for sending us their native son, the ''show me congressman.''

I believe he is the kind of congressman that will never sing the refrain ''we shall overcome'' but the gentleman from Missouri (Mr. CLAY) will sing the song ''we have overcome.''

For those of this body who did not have the honor nor the pleasure of working with the Dean of the Missouri Delegation, the first thing I would like to share with you was his deep commitment to working on the behalf of working men and women of America. When it came down to a vote on a labor bill, BILL CLAY would insist that he be shown how it would help working people in his district and across this nation.

Congressman CLAY is a native of Saint Louis, Missouri and was first elected to the United States House of Representatives in 1968. Because of his commitment to labor he selected Committees whose primary business deals with labor issues. Because of his skill in the area of labor he has reached the position of senior member of the Education and the Workforce Committee. The committee was known as the Education and Labor Committee when the House was controlled by Democrats, but in 1994 when the Republicans took control of the House the committee was renamed the Education Employment Opportunities Committee, also called the EEOC to the consternation of the Republicans.

Congressman CLAY was also a champion of education and played a key role in the reauthorization of the elementary and Secondary Education Act, including efforts to reduce early grade class sizes by hiring 100,000 teachers nationwide. He has also been leading the way for our nation's schools to be first in getting the resources necessary for school construction, renovation and modernization. His work in education has also included winning concessions from the Republicans to increase the amount of Pell Grant funding and the reduction of student loan interest rates. In addition, he has been a moving force behind securing increased support for Historically Black Colleges through Title III of the Higher Education Act. Congressman CLAY has been a leader on the issue of education, which reflects the dynamic and diverse institutions of higher learning that are found in this great nation. Congressman CLAY authored the Historically Black Colleges and Universities Capital Financing Act, which provides $375 million in federal loan guarantees for construction and renovation projects at Historically Black Colleges and Universities.

He was the draftsman and the builder of an impressive pro-workers rights legislative agenda that is not equaled by any other senior members of the Congressional Black Caucus. He was one of the first man in Congress to really put families first with his sponsorship of the Family and Medical Leave Improvements Act to extend coverage of the current law.

Congressman CLAY has also taken on the tough job of reforming the Hatch Act, which existed to separate public service from partisan politics, but not separate federal workers for their right to free speech and freedom of assembly. For this reason, he has worked to ensure that Federal and postal workers had the same rights to participate in politics that are allowed to other citizens.

Congressman CLAY has also brought sanity to our nation's pension plans at a time when many were in doubt of meeting their promise to America's older workers. He led the effort to reform our nation's pension laws, including legislation to protect employees from raids on their pension plans. He championed legislation to prevent age-based discrimination in employee benefits, and sponsored legislation to provide continued health insurance coverage through employer pension plans under COBRA for those separated from their employment.

On the behalf of the thousands of plant workers in and around the City of Houston, I would like to thank Congressman CLAY for seeing that it was the law of our country that plant closings must give 60 days advanced notice or 60 days of pay to employees for failure to notify them of a closure.

Congressman CLAY was the founder of the William L. Clay Scholarship Research Fund, a non-profit, tax-exempt scholarship program, which has enabled over 100 Saint Louis area students to attend colleges.

I would like to join my colleagues in saluting Congressman BILL CLAY for a job well done. He has stayed the course and made a positive difference in the lives of average working Americans and their families. Congressman CLAY, I along with the thousands of others who are inspired by your efforts in government would like to thank you for selecting public service as your life's vocation.

Ms. LEE. Mr. Speaker, if the gentleman will yield, let me just say that it is with a deep sense of admiration and gratitude actually that I join my colleagues in honor and recognizing a true warrior and a giant of a man, the gentleman from Missouri (Mr. CLAY).

I have had the privilege of knowing the gentleman from Missouri (Mr. CLAY) since 1975, actually, when I joined the staff of another great leader, the Honorable Ron Dellums. Then, as now, serving with the gentleman from Missouri (Mr. CLAY) in this great House, I continue to marvel at his intellect and his insight and his total commitment to social political and economic justice.

Yet, his sense of humor, his compassion, and his big heart never ceases to amaze me. He is a true trail blazer. And I will actually miss his thoughtful reflections and analysis that really always kept us on track.

The gentleman from Missouri (Mr. CLAY) understood the power of coalition building and the clout of a unified Black Caucus way back when. We today are benefitting from his insight, his clarity and his understanding. He is truly a Member who has not only talked the talk, but he has walked the walk and he has shown us what a true statesman can and should be.

So I just want to thank the gentleman from Missouri (Mr. CLAY) for everything that he has done, for all that he has taught us, and just say that I will miss looking up there and seeing those votes oftentimes with that one or two red votes next to him being in the real minority in terms of doing the right thing in terms of standing for principle and honesty and integrity.

I wish him a wonderful next chapter of his life.

Mr. FORD. Mr. Speaker, I yield to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, it has been my privilege to manage this hour of tribute to the gentleman from the First District of Missouri (Mr. CLAY), a steadfast champion of education, labor, and the founding member the Congressional Black Caucus.

We have heard but a few of the accomplishments and contributions of the gentleman in this short hour, and I associate myself with all of the prior remarks. Truly he has left a rich legacy in labor. And in education he has been to minority education what his long-term friend and colleague Congressman Stokes has been to the cause of minority health.

The gentleman from Missouri (Mr. CLAY) will leave a great void, but we will fill it with his rich legacy. I am pleased to join my colleagues in saying thank you on behalf of this body and our Nation. I would say thank you also to his dear wife, Carol, and his family for sharing him with us.

Godspeed and God bless as he leaves this body. But I am sure he is not leaving a life of service and many, many more contributions to his country.

We thank him very much for his service.

The SPEAKER pro tempore. The time of the gentleman from Tennessee (Mr. FORD) has expired.

(By unanimous consent, Mr. FORD was allowed to proceed for 1 additional minute.)

Mr. FORD. Mr. Speaker, so much has been said about the gentleman from Missouri (Mr. CLAY). Not enough can be said. I have happened to have the chance to know him or he has known me all of my life. My dad was his colleague in Congress for more than 22 years.

Lacey and Michelle, and I know we cannot campaign from this body, but he is a Democratic nominee for Congress there in the First District, and I certainly wish him the very best of luck. He comes from such great genes.

I want to tell just one story, I was in college at the University of Pennsylvania, Mr. Speaker, and a group of us started a monthly newspaper there. We sought donations for the start of this newspaper because we wanted to maintain its independence from the university, not in hostility to the university but wanting to have an independent voice on campus.

I sent out solicitation letters to all of my dad's friends and all of his colleagues. And he has some wonderful colleagues, the Rangels, the Grays, and the Waters, and there are so many others, the Stokes that he served with, the best friend of the gentleman from Missouri (Mr. CLAY).

I will never forget going to the mailbox and here I was 19 years old in college, Mr. Speaker, and receiving this envelope from the office of (Mr. CLAY), $500 donation, for this newspaper. The newspaper started and was run by young people at the school, and it is still in existence today in the spirit in which he provided all those scholarships for children throughout his district and throughout the State of Missouri.

I am also one youngster whose life he touched and impacted. I would not be in the Congress today but for work he did here in the United States in opening doors and creating opportunities and chronicling the history of not only African-Americans here in the Congress but great Americans here in the Congress.

On behalf of the gentleman from Illinois (Mr. JACKSON) and the gentleman from Rhode Island (Mr. KENNEDY) and all the young members of Congress, I want to say thank you for his leadership and thank you for his service. Aunt Carol has been a gem and a treasure to all of us here in the Congress, certainly those of us who have grown up around her.

I look forward to serving with Lacy and Michelle and Angela and Clay and Michael. I love your grandchildren and I love the family. I just want to say thank you for all that he has done, all that he will continue to do, and all that he has meant to this great body.

SOCIAL SECURITY SOLVENCY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I yield to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, let me say that, for those who are watching on television and are not familiar with the rules of the House, we had 1 hour for this special order and it is now extending into the next hour that the gentleman has reserved and he has a plane to catch. So I certainly appreciate him allowing me just to say how overwhelmed I am by the expressions of support and of appreciation of kindness and the friendship that have been expressed on this House floor today.

Let me say that I come from a family of seven children. My mother and father always taught each of us that modesty should never prevail over truth. So, in that vein and with that understanding, I accept all of the accolades that have been bestowed on me this afternoon because they are true. That is part of the whit that they talk about, Mr. Speaker.

Let me seriously, though, thank the gentleman from South Carolina (Chairman CLYBURN) and the members of the Congressional Black Caucus for sponsoring this tribute in honor of my years of service in the Congress.

I also want to thank my other colleagues for their expressions of commendation for my work in this great body.

In my 32 years in Congress, I can only remember a few tributes such as this one. The last one that stands out for me was the one for my good friend, Lewis Stokes, at the end of the last Congress.

Let me also offer a special word of thanks and appreciation to my friend and our minority leader, the gentleman from Missouri (Mr. GEPHARDT), and the other members of the Missouri delegation for their support throughout the years we have served together.

I also want to thank the members on the Committee on Education and Workforce who have inserted statements into the RECORD on behalf of my contribution to this Congress.

Finally, I want to express my heartfelt appreciation to my wife and children for their patience, for their understanding, and for their acceptance and participation at every level and every phase of my journey.

Once again, I thank the gentleman for yielding to me and I thank the gentlewoman from the Virgin Islands for handling this special order.

Mr. Speaker, I am overwhelmed by the expressions of support and appreciation, kindness and friendship, so I accept accolades because they are true. I want to thank Chairman CLYBURN and the members of the Congressional Black Caucus for sponsoring this tribute in honor of my years of service in the Congress. I also want to thank all other colleagues for their expressions of praise and commendation for my work in this great body. In my 32 years in Congress, I can only remember a few tributes such as this one. the last one that stands out was the one for my good friend, Louis Stokes at the end of the last Congress.

Let me also offer a special word of thanks and appreciation to my friend and our Minority Leader DICK GEPHARDT and the other members of the Missouri delegation for their support throughout the years we have served together.

Those of us in the profession of politics know that like other careers, we cannot be successful without support from many quarters. Recognizing that, I want to express my deepest appreciation to a great staff, to the thousands of friends and constituents for their continuous support, and to the voters of the 1st Congressional District of Missouri who 16 times went to the voting booth and elected me to this great office.

Finally, I want to express my heartfelt appreciation to my wife and children for their patience, understanding—and for their acceptance and participation at every level and in every phase of my journey.

During my tenure, there have been many highlights. Some stand out brighter than others. Perhaps one of the greatest was having the privilege of being one of the founders of the Congressional Black Caucus. Thirty-two years ago, Shirley Chisholm, Lou Stokes, and I came to Washington the same day. It was historic. Three blacks elected at one time. We joined six others and became the largest number of African Americans to serve in Congress at one time. The three of us were determined to seize the moment, to fight for justice, to raise issues too long ignored and too little debated. We were described by the media as militant, aggressive new leaders determined to make changes in the way black members of Congress had been viewed in the past. And we wasted no time seeking to establish a forum for articulating our concerns. That medium was the founding of the Congressional Black Caucus. It has served its purpose well.

I am also proud of the role I have played in helping to create new programs to address the problems of millions of Americans. During my life in this institution, I have been privileged to personally participate in the drafting and passage of many landmark pieces of legislation—coal mine safety, ERISA, Black Lung Benefits Act, the first appropriations for sickle cell disease research, the direct student loan program, the civil service program, OSHA, and the Americans with Disabilities Act.

I am even more proud of legislation that bears my name as primary sponsor or that I managed successfully on the floor of this House: reduction of pension vesting from 10 years to 5 years, Hatch Act reform, 60 days plant closing notification, the minimum wage increase of 1996, COBRA legislation that will continue employee health plans after job separation, financial assistance to enhance and preserve historically black colleges, the several reauthorizations of the Higher Education Act, enhanced support for Hispanic serving institutions, IDEA, class size reduction and family and medical leave.

Thanks to many of you in this Chamber, I have been able to fashion and to pass the kind of legislation that has improved the standard of living and the quality of life for millions of our citizens.

Serving in the United States Congress is one of the greatest honors that is possible to bestow upon an American citizen. In the 224 year history of this country, less than 10,000 American have enjoyed the distinction of serving in the House of Representatives.

To those who will have the honor and privilege of being elected to serve in the next Congress for the first time, I would like to offer one small but important bit of advice—always remember the awesome consequences, nationally and internationally, of your decisions. We live in the greatest, most prosperous country in the history of the world. The 260 million people we represent enjoy collectively the highest standard of living on the face of the Earth. But, many of our citizens have not been able to enjoy the benefits of that great standard of living—many have been left out, left behind. Too many of our citizens suffer disproportionately the slings and arrows of misfortune through no fault of their own—sickness, disease, poverty—poor and inadequate education rob them of their opportunity to fully participate in the American dream. Always remember when legislating that their destiny is inextricably tied to your destiny. Your struggle and their struggle are tied irrevocably one to the other.

Once again, thanks for the opportunity to serve and to help make this the greatest nation on Earth. It has been a great challenge and a rewarding career.

Mr. SMITH of Michigan. Mr. Speaker, the full body certainly thanks the gentleman from Missouri (Mr. CLAY) for his service and wishes him good luck and Godspeed.

Mr. Speaker, I am going to give, if you will, a short lecture on what I consider one of the most important topics of the day, and that is Social Security.

I put the first poster up here, ''no new taxes.'' Because if we do nothing, then it almost mandates that we are going to yet again increase taxes Social Security taxes on American workers to pay for the benefits that we have promised.

I entered Congress in 1993. And actually, while I was still chairman of the Senate Finance Committee in the State of Michigan, I wrote my first Social Security bill and I introduced it when I came down here. I have introduced a Social Security bill every session since.

So my last three Social Security bills have been scored by the Social Security Administration to keep Social Security solvent for the next 75 years without any tax increases and without any cuts in benefits for seniors or near-term retirees.

I was named chairman of the Bipartisan Social Security Task Force from the Committee on the Budget. And so, we got some of the most expertise people not only in this country but throughout the world in trying to decide how we are going to fix a system that is going broke.

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So, the first consideration is the fact that American workers now pay more in the Social Security tax than they do in the income tax. Seventy-eight percent of American workers pay more in the Social Security tax than they do the income tax.

Okay, a brief history. When Franklin Delano Roosevelt in 1935 created the Social Security program, that was over six decades ago, he wanted it to feature a private sector component to build retirement income. Social Security was supposed to be one leg of a three-legged stool to support retirees. It was supposed to go hand-in-hand with personal savings and private pension plans.

In fact, researching the archives on the debate in 1934 and 1935, the Senate on two occasions voted that individual privately-owned investments should be an alternative to a government-run program. But in the final conference committee the decision was that it would be a government program, a pay-as-you-go program, where current workers paid in their Social Security tax to support current beneficiaries.

Because at the time when the program was started the length of your life span was 62½ years, and still you had to be 65 to receive benefits, that meant most people did not live long enough to receive benefits. They paid in all their life, but then did not get anything out, and this pay-as-you-go program worked very well then. What

has happened since is Social Security has fewer workers and is running out of money.

So first this evening I am going to cover a little bit of the problem, how Social Security works, and then some of the proposed solutions.

It is a system stretched to its limits. Seventy-eight million baby-boomers begin retiring in 2008. What happens at that point in time is the baby-boomers are now at the top of their income level, and we charge Social Security tax based on the first $76,000 of income, so they are paying in the maximum tax. When they get out, because there is a direct correlation between what you paid in and your income and what you are going to get in retirement benefits, they go from the big payer-inners, if you will, to the big taker-outers in Social Security benefits.

Social Security spending exceeds tax revenues in 2015. That means somehow government is going to have to come up with some more money at that point in time.

Social Security trust funds go broke in 2037, although the crisis could arrive much sooner. What government has been doing, what this Congress, this chamber, the people on this side of the aisle and that side of the aisle have been doing for the last 40 years, up until the last 3 years, is taking any extra money coming in from Social Security, the Social Security surplus, and spending it on other government programs, so it was gone.

So if we pay all that money back, and we will, somehow we have to come up with the money, then it is going to last until 2037, but we run out of money in 2015. So the big question, the problem that needs to be solved, is where does the money come from?

I think a lot of people have said, well, you know, it is just another guy with a green eyeshade on, economist, making some prediction. But insolvency is an absolute. It is certain. We know how many people there are and when they are going to retire. We know that people will live longer in retirement, and we know how much they will pay in and how much they are going to take out.

Payroll taxes will not cover benefits starting in the 2015 when we have less money coming in than is needed to pay benefits, and the shortfalls will add up to $120 trillion between 2015 and 2075. $120 trillion. Nobody knows exactly how much money that is. Probably very few of us in this chamber, and I am a senior member of the Committee on the Budget. Comparing it a little bit, our budget this year is going to be $1.9 trillion. But we are going to be $120 trillion short in terms of what we need over and above Social Security taxes, that are at record high levels already, to come up with the money to pay the benefits that have been promised.

Somehow we have got to change the program so that we start moving from a pay-as-you-go program to a program that can start earning revenues and use the magic of compounding interest to help make sure that we are not only going to cover the promised benefits, but increase those benefits.

In the bipartisan Social Security task force, we agreed, Republicans and Democrats, on 18 findings. One of the witnesses before our hearings suggested that, within the next 25 years, medical technology would allow an individual to select, to choose, whether or not they wanted to live to be 100 years old.

So back to the three-legged stool. Social Security is going to have even a tougher time if people are going to live that long. But if individuals, especially young people today, want to have the kind of retirement that is going to accommodate them to the kind of standards that they had while they were working, then there is going to have to be two more legs to that stool, and they are going to have to develop the kind of pension plans, develop the kind of savings plans, and, thirdly, make sure that Social Security stays solvent.

The demographics are part of what has led us to this situation. So if you do a chain letter, I like the cartoon I saw in one of the papers where the young worker was talking to Uncle Sam, you know, with his hat on and his stars and stripe suit, and Uncle Sam says, well, it is simple. You just put your name at the bottom of this list, you send your money to the person at the top of the list, add your name to the bottom of the list, and when your name comes up, other people will be sending you money in your retirement.

That is sort of what it is. It is a Ponzi game. It is a pay-as-you-go system that cannot survive if you start losing the names off that chain letter of the people at the bottom, if they do not keep paying the people at the top.

Back in 1940, for example, there were 38 workers working, paying in their tax, to collectively add up to the benefits that were paid to each retiree. Today we are down to three workers paying in their Social Security tax to accommodate the Social Security benefits for every one retiree, and the estimate is, by 2025, there will be two workers paying in their Social Security tax for every one retiree. So they are going to have work long and hard enough, if we keep this current system, without developing some kind of a better return on investment, if we do not start modifying it from a pay-as-you-go program to a program that individuals have some ownership of those particular accounts and they can accrue compounded interest so we will end up better off than what we are under the current program.

This just represents the problem with the red, and if this were green it might be a little better. But when we had the last change in Social Security under the Greenspan Commission in 1983, the decision then was to lower benefits and increase taxes. By the way, that is the same thing we did in 1978 when we ran into financial problems, we lowered benefits and increased taxes.

So with the increased taxes, right now there is a little more money coming in, Mr. Speaker, than is needed to pay out benefits. That stops in 2015 and we run into the red. So the future deficits in tomorrow's dollars, tomorrow's inflated dollars, are $120 trillion.

If you talk about the words ''unfunded liability,'' and those are the words that Alan Greenspan of the Federal Reserve uses, he says the unfunded liability is $9 trillion, which means we would have to have $9 trillion today and put it in an investment account earning 6.7 percent interest to accommodate through the future years the $120 trillion we are going to be short. Again, the annual budget is $1.9 trillion.

The debt, by the way, does anybody know what the debt of this country is? The total debt this country is $5.6 trillion. So what we have done, and the Constitution says the Congress has to pass a law saying that we are going to be allowed to increase the debt of this country, we have kept increasing debt, which, put in other terms seems to me, I am a farmer from Michigan, and what I always learned growing up on the farm is you try to pay off some of that mortgage so your kid might have a little easier time.

What we are doing in this country and what we have been doing in this country is leaving a larger mortgage, a larger debt to our kids. Somehow, being so egotistical we think our problems today, that we deserve to have the extra money to solve what we consider our problems today, and then we will leave that mortgage, that debt, that obligation of increased taxes to our kids and our grandkids. That is why I put up the first chart that says, let us start as part of any Social Security proposal that we do not increase taxes.

The economic growth will not fix Social Security. We are enjoying economic growth, surpluses coming in to the Federal Government, arguing about what we are going to do with those surpluses. Let me just mention three years ago I introduced a bill that said we cannot use any of the Social Security surplus for any other programs, because, if we did, under the law I introduced we would start cutting all other spending to make sure that we did not use any of the Social Security surplus.

Last year we put this into a law, we passed a bill through this chamber, maybe a little bit gimmicky, but we called it a Social Security lockbox. What that did was said in effect we are not going to spend any of the Social Security surplus for any other government programs, and the only way that surplus can be used is to help save Social Security or use it to pay down that part of the debt held by the public.

That worked. That caught on. The administration decided they had to go along with it, because it is so logical and the American people supported it.

This year, let me tell you what we have done this year to try to slow down the growth in spending. About four weeks ago the Republican Conference made a decision that we were going to take 90 percent of the surplus coming in for this fiscal year we are now appropriating money for, we are going to take 90 percent of the surplus and dedicate that to debt reduction, dedicate that money to pay down the debt held by the public, and only use 10 percent of the surplus to argue with the President, the White House or anybody else how that money might be used. So, again, a pretty good start in the right direction of starting to reduce the mortgage that otherwise we would leave to our kids and our grandkids.

On the economy, Social Security benefits are indexed to wage growth. That means the higher the wages now, the higher the benefits for everybody later on. If you have higher wages, because there is a direct relationship between what you pay in in taxes and that is based on what you are earning, your benefits are going to be higher. In other words, when the economy grows, workers pay more in taxes, but also they earn more in benefits when they retire.

Growth makes the numbers look better now, but leaves a larger hole to fill later. The administration has used these short-term advantages as an excuse to do nothing, because it looks good.

Four years ago, Social Security was going to run out of money in 2011, but, because of the economic growth, because of higher wages, more people got jobs, extra money is coming in in Social Security taxes now that is going to be offset later by larger payouts, but that puts the date of reckoning up to 2015 now. So over the last 3 years that date when there is less money coming in than is needed to pay benefits has now moved up 4 years to 2015.

A lot of people, as I have given maybe around 250 talks around Michigan, the Seventh District of Michigan, around different states of the United States, a lot of people feel that somehow there is an account with their name on it for Social Security, that they have sort of got a locked-in legal right to have some Social Security benefits.

I would remind the American people, Mr. Speaker, that the Supreme Court in two decisions now has said that there is no entitlement to Social Security, regardless of how many Social Security taxes you have paid in. They say that the Social Security tax is simply another tax. The decision for any benefits is simply an entitlement law, that can be changed at any time by Congress, with the signature of the President.

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So no locked-in trust funds with your name on it.

These trust fund balances are available to finance future benefit payments and other trust fund expenditures but only in a bookkeeping sense.

Again, before I read the rest of this, the source of this is President Clinton's Office of Management and Budget. The trust fund, what is owed to the Social Security trust fund, they are claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures.

Think for a moment with me. What would we do if there was no trust funds, but we made this commitment for Social Security benefits? Then we would come up with the money by increasing taxes or by cutting benefits so that we did not have to pay out so much, or a combination or borrowing more money from the public funds. That is what we would do if there was no Social Security trust fund.

There is a Social Security trust fund that has IOUs, the government's IOUs that owes Social Security approximately $900 billion, but to come up with that $900 billion, the same three things have to happen: You either reduce benefits, increase taxes or increase public borrowing.

In effect, if we are going to keep our commitment on Social Security, the paperwork, the ledger that says how much government owes Social Security is only as good as the way we come up with the money to pay it back, to make sure that we continue those Social Security benefits. We have to do it.

The key is getting a better investment on some of those Social Security funds coming in. Here again, because after 2015 all of the funds, we are going to have to call on for extra money coming in to pay benefits after 2015.

It is so important that we come up with a decision now of how to use some of this surplus in the transition to move from a fixed benefit program to at least part of the money coming in to a personally-owned savings investment account that can gain more interest income than is now accommodated by Social Security. I will come up with those figures in a minute.

But the average retiree today receives back 1.9 percent, a real return of 1.9 percent of the money they and their employer pay into Social Security. You can do better than that with a CD. The average investments over the last 100 years have averaged almost a real return of 7 percent.

Mr. Speaker, one of the proposals has been that let us borrow some of the money from the Social Security trust fund between now and 2015 and use those extra dollars, write an IOU to the Social Security trust fund, but use those extra dollars to pay down that part of the debt that is held by the public and not to give you the whole load of hay on this. But roughly of the $5.6 trillion dollar debt, there is $3.4 trillion that is so-called Wall Street debt, the Treasury paper, the Treasury bonds, what Treasury does in its auction every week.

There is $3.4 trillion there, about a trillion is owed to the Social Security trust fund, and then there is approximately another $1.3 trillion that is owed to the other 120 trust funds that we borrow money from, that the government borrows money from, and eventually we need to stop that, too.

So far we have made a decision not to borrow, not to use any more of those Social Security trust fund money for other government expenditures or to use any of the extra money coming in from Medicare for any other government expenditures.

Now, back to Vice President GORE's proposal. He says his proposal will keep Social Security solvent until 2057. What is needed over and above taxes between now and 2057 is $46.6 trillion. Paying off this $3.4 trillion dollar debt is not going to accommodate that kind of a shortfall.

We are paying about $260 billion a year interest on this $3.4 trillion debt, $260 billion a year. If we were to say, look, from now on we are going to take that $260 billion a year and we are going to credit it to Social Security, that would be represented by this blue line across the bottom.

After we hit the peak around 2015, then the $260 billion a year would lessen the obligation for Social Security, the width of that blue line, what is left is $35 trillion short of what is needed to pay those benefits. Talk about fuzzy math. This is fuzzy math.

It is adding up, in effect, another giant IOU to the trust fund but does nothing to help figure out how we are going to come up with the extra money to pay this shortfall.

This is one of this country's most important programs. I think we need to be very honest with the American people. And I would hope that any time you hear a debate or have a chance to ask questions to any Member running for Congress or the United States Senate or the candidates for President, you would say, look, what is your plan to keep Social Security solvent for the next 75 years as scored by the Social Security Administration?

It is so easy for us politicians to say, well, we are going to put Social Security first. That will not do it. I mean, these are tough decisions. There is a lot of money to come up with. Making the transition from needing all the money to pay benefits to something that you can start investing for the future is the huge challenge.

I mentioned $9 trillion. Social Security has a total unfunded liability of a little over $9 trillion. The Social Security trust fund contains nothing but IOUs. So when the Vice President says we are going to add the amount of this savings from interest savings on paying down the debt held by the public, its, in effect, adding another IOU to the ledger, but it does not accommodate how we are going to come up with the money to pay for it. That is the challenge. That is the problem.

How do we come up with those dollars? To keep paying promised Social

Security benefits, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent if we do nothing to change the plan, if we do not start getting a better return on some of those tax dollars coming in.

In the Social Security task force, one of the witnesses said that within the next 30 years with the decreased number of people working in relation to retirees, to cover Medicare, Medicaid and Social Security, the payroll tax would have to go up to 47 percent. Unconscionable.

We cannot allow that to happen. What would happen to our kids who if they are asked to pay that kind of payroll tax in addition to the income tax to accommodate the rest of the operation of government?

I mentioned the Social Security lockbox. It's saving Social Security trust fund dollars for Social Security, and it keeps Washington's big spenders away from that money.

The same as our 90–10 percent proposal, where 90 percent is going to pay down the debt of all of the surplus now, the diminishing returns of your Social Security investment.

I mentioned the 1.9 percent average return. For most workers, the average is 1.9 percent, but for some workers, it is a negative return. For example, minorities do not get back their money. If, you take a young black male, their average life span is 62 and a quarter years, and so that means they can pay in to Social Security all their life, but they do not get anything back and get anything out of it.

So some parts of our population are severely disadvantaged by this current system. I mean, if you are in a hard, physical work job, your lifespan normally is a little less. So Social Security gyps you a little more. The average again is 1.9 percent, the average market return over the last 50 years has been 7 percent.

Let me describe it in a little different way, because we have continually increased taxes and you are putting more into Social Security. If you have to retire in 1940, you work 2 months to get everything back you and your employer put in, and it kept going up and up, until 1980, you had to live 4 years after retirement to get it all back. If you retired in 1995, you had to live 16 years after retirement to get everything back, that went to 23 years in 2005.

Anybody that retires after 2015 is going to have to live 26 years after retirement if we do not make some changes in this program.

This is a picture I keep on my wall in my office and I ask myself how do I make the decisions on voting on any bill, because most every bill we vote on is a transfer of wealth, we take from somebody and we give it to somebody else.

Our lack of willingness to move ahead on Social Security, I criticize the White House certainly for not giving us the leadership or not coming up with a proposal that can be scored to keep Social Security solvent. I think we have missed a great opportunity over the last 8 years.

I am hoping that the next President, whoever he might be, will be willing to make some of the tough politician decisions to move ahead on Social Security.

Anyway, these are Bonnie's and my grandkids and they are getting ready for Halloween. I share these pictures with every grandparent hoping grandparents will be just as aggressive as you are faced with the temptation of somebody suggesting I am going to give you more benefits, the Vice President does that, he increases Social Security benefits, or if you are faced with how far we should go on prescription drug coverage under Medicare, where other taxpayers pay for those prescription drugs.

We have to start looking at what are the consequences on our kids and our grandkids. What is going to happen to them 20 years and 30 years from now?

Selena and James are in Pittsburgh right now. Henry is on my farm in Addison with his dad, Brad, and his mom Diane. George is a tiger. Claire and Nicholas and Francis and Emily. Anyway, thank you for letting me share my grandkids.

Keep your own kids and grandkids in mind as Congress and politicians make all of these glorious promises that are going to leave a larger burden on our kids and our grandkids and our future.

The other consequence is how far might we increase taxes as sort of the easy way to go for this gang down in Washington.

So I'll review what has happened to tax. In 1940, the tax rate was 1 percent for the employee and 1 percent for the employer. The base was on the first $3,000, so the maximum tax was $60, employer and employee $60. By 1960, it went up to 6 percent on a base of $4,800, maximum tax for both employee and employer are $288 a year, not a piece, just $144 a piece.

In 1980, 10.16 percent, it was upped again to cover benefits on the first $25,000. So the base was raised, the rate was raised. It went to a maximum of $2,631. Today it is 12.4 percent, Social Security tax on the first $76,200, that is indexed to inflation, for a maximum tax of $9,448 a year.

As you saw, if we let this go, because of the reduced number of workers paying in their taxes in relation to the number of retirees, then the taxes could be phenomenal. Let us not allow that to happen.

Let us look at a pie chart, 78 percent of families now pay more in the payroll taxes than income taxes; too much, especially as we make this transition out for those families that have been on welfare to work and to hit them with this kind of consequence. Tax needs to be reviewed if we are going to encourage those people to start moving up that economic ladder.

The 6 principles of saving Social Security, these are my principles. They are Governor Bush's principles. They are Senator ROD GRAMS' principles. I borrowed a lot of these charts from Senator ROD GRAMS from Minnesota. Number 1, protect current and future beneficiaries; 2, allow freedom of choice; 3, preserve the safety net. Preserve the safety net, nobody has a proposal or plan that does anything to the insurance portion, to the roughly over a little over 2 percent of your Social Security tax, that is the disability insurance. That is what we are paying in to cover the insurance in case something might happen to us. So nobody has considered doing anything with that; that stays totally as a Federal program.

In fact, all of our proposals are optional. If somebody wants to stay in the current system, they would have that option. The way it is set up with some suggesting that for every $4 you make in investments, you would lose $1 less for every $4 you make in earnings. In your investments, you would lose $3 of Social Security benefits.

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It comes close to us being able to do that, and I will get into what kind of returns we might look at with a combination of index bonds and index stocks.

We make Americans better off, not worse off. We create a fully funded system and no tax increase. And no cuts in benefits for retirees or near-term retirees.

The personal retirement accounts, they do not come out of Social Security. It has bothered me a little bit when some of the Gore campaign people have said that Governor Bush is taking a trillion dollars out of Social Security and he is jeopardizing Social Security recipients as he starts making this transition into privately owned retirement accounts. They are part of that account, and like I said, some have said for every $7 dollars made, a recipient would lose $6 of benefit. What I say in my bill that I have introduced is that assuming a 3.7 percent return on a personal retirement account investment as a reduction in Social Security benefits, and anything over a 3.7 percent return would increase the ultimate retirement benefits.

A worker will own his or her own retirement account. I think it is important simply because what I have seen this body do in the past in terms of reducing benefits.

And four, limited to safe investments that will earn more than the 1.9 percent paid by Social Security.

I forgot I had that chart, actually, but this represents what is going to happen in the next 10 years, sort of representing Governor Bush's plan to take $1 trillion out of Social Security over the next 10 years. The total revenues coming into Social Security are $7.8 trillion, total benefit costs are $5.4 trillion. It leaves a surplus of $2.4 trillion.

The governor has said let us take $1 trillion of this and start those private accounts. They cannot be used for anything except retirement. They are going to be limited to safe investments, and so in fact there are some insurance companies now that will guarantee a return, a positive return on those investments.

Just covering a couple of the personal retirement accounts that would offer more retirement security than Social Security. If John Doe makes an average of $36,000 a year, he can expect monthly payments of $1,280 from Social Security. If he were investing 6 percent of that earnings, he would get $6,514 from his personal retirement account.

Galveston County, Texas. When we started Social Security in 1935, it was the option of State and counties whether or not they wanted to opt out of the Social Security system and have their own pension retirement programs. Galveston County, Texas, was one of those counties that exercised that option. The death benefits in Galveston County are now $75,000. If one dies as a worker in Social Security, it would be a death burial benefit of $253. On disability benefits under Social Security, $1,280 a month. The Galveston plan for disability benefits, $2,749 a month. Social Security benefits after retirement, same as disability, on Social Security, $1,280. The monthly payment from the Galveston plan is $4,790 a month.

This is another representation of San Diego that also wanted to have their own plan. A 30-year-old employee earns a salary of $30,000 for 35 years and contributing 6 percent to his PRA, personal retirement account, would receive $3,000 a month in retirement. Under the current system, he would contribute twice as much but receive only $1,077 under Social Security. So under the current Social Security system, he would contribute twice as much but receive almost two-thirds less.

The U.S. trails other countries. I represented the United States at an international conference in London a few years ago and I was amazed how much other countries are moving into getting real returns on those investments. In the 18 years since Chile offered the PRAs, 95 percent of the Chilean workers have created accounts. Their average rate of return has been 11.3 percent a year. Australia, Britain and Switzerland offer workers PRAs.

In Britain, here is a socialist country that is much further ahead than we are. Two out of three British workers enrolled in the second tier Social Security system choose to enroll in PRAs. British workers have enjoyed a 10 percent return on their pension investments over the past few years. The pool of personal retirement accounts in Britain now exceeds nearly $1.4 trillion, larger than their entire economy and larger than the private pensions of all other European countries.

Based on a family income of $58,475, that is a figure that came out nice for the length of this bar chart, if we are to invest either 2 percent of our payroll or 6 percent or 10 percent for 20 years, we would get $55,000, $165,000 or $274,000 back after 20 years. After 30 years, if we were to invest 10 percent, which would leave the disability part in effect, then it goes up to $800,000. And if we were to go the full height and invest 10 percent over 40 years, then we would have at the end of 40 years, because of the magic of compound interest that our money grows every year and the interest on that extra money that is compounding all the time, would amount to $1,389,000. At 10 percent interest, of course, that would be $138,000 a year. At 5 percent interest, half of that, it would be $70,000 a year.

So the question is with the fluctuation in the stock markets, is that a risk? Considering the fluctuations, what if somebody were forced to invest last year or the first of this year and take out money now? For short-term investments, there are ups and downs. For long-term investments, there has never been an average downer as low as the 1.9 percent that Social Security pays.

This represents the last hundred years, and so this is a real rate of return over and above inflation on stocks from 1901 to 1999. And we see they get as high as about 12 percent, averaging 12 percent, and as low as about 3.6 percent. But the average is 6.7 percent.

So, the key to this kind of investment is leaving that investment in for longer periods of time. I think the key in my bill I gave the option of index stock, index bonds, index global funds. These figures represent an index. But as we see, nothing is low as the 1.9 percent return that is now accommodated by Social Security.

I think my time is coming to a close, but I wanted to briefly go over the provisions of my Social Security bill. We have no tax increases, no transition costs. It balances the Social Security system for 75 years, as scored by the Social Security Administration. Newly hired State and local government employees would join, but it allows the private investment account withdrawals at age 60. What I do, instead of any kind of increase in retirement age, I build in an incentive. So if workers are 65 years old and eligible for retirement and decide to put it off, for every year they put it off, they would get an 8 percent increase in their benefits. That is actuarially sound.

So if we keep working and keep paying in our Social Security tax, the benefits for every year we put off retirement, and we are living longer, healthier lives, we would get an 8 percent increase in those benefits. So it is our decision with an incentive of whether to have our retirement age increased, and being able for some people to retire even earlier when it is actuarially sound.

Retirement age is automatically indexed to life expectancy. It increases retirement age 2 additional years. That is simply complying with current law. In 1983, they said the retirement age to get maximum benefits between 2002 and 2017, over that time period, would gradually increase from 65 to 67. So that is in current law. That is a law that they passed back in 1983.

Benefit changes. The private investment accounts using the trust fund surpluses, it gradually reduces the increase in benefits for high income retirees. Couples receive a minimum of 133 percent of the higher of each of the couple's benefits. Right now, it is 100 percent. It allows additional voluntary PRAs. And for anybody that would like to look at the Social Security background charts or the legislation I have introduced, go to one of the search engines and type in ''NICK SMITH'' and ''Social Security.'' But officially it is

www.house.gov/nicksmith/welcome.html.

Mr. Speaker, I thank you for this time. I give the challenge to my colleagues to move ahead on Social Security. And most of all I give the challenge to Mr. GORE and Mr. Bush to make the effort and take whatever action is necessary to get a bipartisan agreement in this House and in the Senate to move ahead to make sure that we save Social Security and that we do it without increasing taxes and that we do it without reducing benefits for current or near-term retirees.

HEALTH CARE: THE UNFINISHED AGENDA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes.

Mr. PALLONE. Mr. Speaker, this evening I would like to take to the well again and talk about health care issues, because I do believe that when we talk about health care issues, that this is really the unfinished agenda that this Republican Congress has not addressed.

Of course, there is still time. We are still here. We are here over the weekend, are probably going to be here a good part of next week. There was an effort yesterday when the tax bill was brought up by the Republican leadership, to suggest that somehow some of the health care issues were being addressed in some minor way.

Mr. Speaker, what I wanted to begin tonight was talk about how that bill really does not accomplish anything significant to help the average American with the health care problems that they face and with the hospitals and the nursing homes and the home health agencies that are trying to provide quality health care.

Then after that, I would like to get into the three major issues that most of my constituents and most Americans talk to Members of Congress about, and that is trying to reform HMOs, trying to provide a prescription

drug benefit for seniors, and trying to deal with the 42 million Americans who now have no health insurance.

Let me start with this tax bill that was voted on and that the Republican leadership brought up, because they suggested, I think inaccurately, that what they were trying to accomplish was to deal with some of the problems that occurred with the Balanced Budget Act which was passed a few years ago which cut back significantly on the money that was going to hospitals, to home health care agencies, to nursing homes, and to HMOs, and that the reimbursement rate from the Federal Government, from Medicare, Medicaid, and some of the other Federal programs that provide funding to these facilities or to these programs that provide health care services, needed to be readdressed. That there was too little of a reimbursement rate under Medicare and Medicaid and that more money needed to go back to these programs or facilities if they were going to provide a quality health care.

The problem, though, was that in making these adjustments in this tax bill, the Republican leadership essentially gave most of the money to HMOs in a fashion that I find totally objectionable, because the HMOs were not only getting huge amounts of money back from the Federal Government, but were really not caused to do anything for the average American in order to receive those funds.

I said today in a press conference that we had outside on the lawn of the Capitol with some of my Democratic colleagues that the reason this was happening, the reason why the tax bill was so favorable to the HMOs, is because basically the Republican leadership has bought into the HMOs and the special interests that are associated with the HMOs and supports them because of the special interest funding that is made available.

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What we see the HMOs doing is that the HMOs are leading the battle against the Medicare prescription drug benefit and leading the battle against HMO reform.

The Democrats and some Republicans have tried to pass a bill called the Patients' Bill of Rights. We know it as the Norwood-Dingell bill. It is bipartisan, but it is opposed by the Republican leadership. The Norwood-Dingell bill would make significant reforms to address the abuses of the HMOs. But the HMOs are fighting that tooth and nail as well as the prescription drug benefit.

So I think that basically what happened here is the Republican leadership sides with the HMOs because they are basically against the Medicare prescription drug benefit and against the Patients' Bill of Rights.

We also see that the HMOs are spending a lot of money funding negative ads against those individuals, Democrats and against some Republicans who support the Patients' Bill of Rights, who support HMO reform, who support having a prescription drug benefit under Medicare. So this is the sort of unholy alliance here that manifested itself yesterday with this tax bill to give more money back to the HMOs.

Now, let me talk a little bit about this bill because I just want to show how unfair it was and how little it would accomplish in terms of addressing the health care needs that Americans face today.

First of all, and just to give my colleagues some figures about the amount of money that was going to the HMOs, the Republican plan, this tax bill, increases payments to Medicare HMOs by over $10 billion over 5 years and over $30 billion over 10 years, despite the fact that only 16 percent of Medicare beneficiaries are enrolled in HMOs right now.

We know that what the HMOs have been doing is they have been dropping senior citizens left and right. As of July 1, I think there are over 700,000 seniors across the country that have been dropped by HMOs to provide their Medicare benefits over the last few years. So a lot of these HMOs got into the Medicare program, and then they dropped the seniors.

Yet, over one-third of the allocation in this tax bill, over one-third of the allocation for health care, that goes back to health care providers, goes to HMOs. Only 16 percent of Medicare beneficiaries are enrolled in HMOs. My colleagues get some idea there of the inequity here.

Now, in addition to that, we know that a lot of these HMOs have dropped out of Medicare, so one might say to oneself, well, if they are making an argument they need more money to stay in Medicare, then why, when we give them this windfall, these billions of dollars, this 30 percent of this overall budget, then why do we not require that they come back into Medicare and provide certain benefits?

Well, that makes sense. But that is not what the Republican leadership did. There was no guarantee that these HMO plans will not drop out of communities or Medicare altogether when it is no longer in their interest to remain, as many of them have. There is no guarantee that they will put new money towards maintaining benefits rather than shoring up their bottom line.

So we could have said, okay, we will give HMOs all this money in the tax bill, but they have to sign a contract saying they are going to stay in Medicare for 2 years or 3 years or even 1 year.

We could have said, okay, we will give them this money, but they have to make sure that they provide at least a level of benefits and prescription drugs for these 16 percent of seniors that are on Medicare that they are providing now.

But we do not have that in the bill, nothing like that. Just give them the money, and that is fine. They can continue to drop out of the program if they want to. It is blatantly unfair. It is just basically pandering to special interests.

Now, let me go beyond that to the next issue. Why is it that so much of this money is going to HMOs again when so few seniors are in HMOs that are in Medicare? We know that we have greater needs in a lot of other areas.

The hospitals do not get that much. Hospitals, many have closed. I had one in my district in South Amboy that closed within the last year or so. Nursing homes. Many nursing homes are bankrupt. I visited with some. I went to a nursing home last week, one of the days, and talked to some of the residents. I found out from the operators that there are, I do not know what the percentage is, but a significant percentage of the nursing homes in the State of New Jersey are now bankrupt, and some of them are closing. Home health care agencies, very little money under this tax bill. These are the providers.

Remember, the HMO is an insurance company. They are getting this money now from this windfall from this Republican tax bill, and they are going to go out and they are going to pay the hospitals or they are going to pay the nursing homes or they are going to pay the providers of health care services. They are not providing the services.

But, yet, we shortchange the providers. We do not give the money to the hospitals, some of which are closing. We do not give the money to the nursing homes, some of which are closing. We do not give the money to the home health care providers who are directly providing services.

It makes no sense. It makes no sense at all unless one looks at it from the point of view that the HMOs are special interests that are doing the Republican leadership a favor and that are railing against HMO reform and a Medicare prescription drug benefit.

Now, let me go to the last thing, then I am going to get off the issue of this tax bill, but I do think it is important; and that is that the Republican leadership said, well, one of the things we are going to do in this tax bill is we are going to try to address the problems of the uninsured by giving what we call an above-line deduction for health insurance, a tax deduction.

Okay. Well, we know that there are 42 million or so Americans now that do not have health insurance. Now, these are working people because, if one is really poor and one is not working, one is eligible for Medicaid, and the Federal Government pays for one's health insurance.

But if one is in a low-income bracket but one is working, or even middle-income bracket, it depends, and one is working, a lot of times one's employer will not provide one with health insurance because maybe it is costing him too much, or whatever the reason, and one has to go and try to buy one's

health insurance on the private market, or maybe the employer has some kind of a plan, but it is very expensive. Whatever the reasons, these 42 million people are pretty much working people that do not have health insurance on the job or cannot afford to buy it in the private market.

So what the Democrats have been saying, what Vice President GORE and President Clinton have been saying, let us gradually try to address some of the groups that make up this uninsured. We know the largest group is the children. We know the second largest group is near elderly people, between 55 and 65, that are not eligible for Medicare yet. These are some of the groups.

What the Democrats have been doing, and we actually did get the support of the Republicans eventually, we had to drag them along on this, but we eventually did get the support of the Republicans to pass a kids health initiative a couple years ago that gradually has been getting to the point where we think about half of the children that are uninsured will have some sort of insurance with money paid for by the Federal Government.

Well, what Vice President GORE has been saying is that he wants to increase the income eligibility so that, right now, if one is, say, 200 percent of poverty and one is eligible for this kids care program, we will raise it to 250 percent of poverty or 300 percent of poverty and try to get more of these lower middle class people who are working and their kids into this CHIP or kids care program.

Well, we found, of course, that the Republican leadership does not want to do that. That would have been the logical thing to do in this tax bill would be to expand eligibility for the kid care program.

Or another thing that we could have done, and this is another thing that Vice President GORE has proposed and the Democrats here in the House, is to enroll the parents of those kids in the health insurance program, because we know that those parents, if they cannot get health insurance for the kids other than through the Federal Government, they are not able to get it for themselves.

In this tax bill, we could have put a provision there for the near elderly. What the Democrats have been saying is they would like to see the people between 55 and 65 be able to buy into Medicare. At their own expense, they would buy into Medicare.

But, no, the Republican leadership does not want to do any of those things. This is what they said. They said, we are going to give you an above-line tax deduction.

I am not going to get into all the details of that, but basically that has two problems. First of all, very few of the people who are now without health insurance, who are sort of lower middle class category, very few of them will be able to take advantage of this deduction and go out and buy health insurance, first of all, because most of them do not have incomes where that deduction is significant enough to be able to use it to buy a health insurance policy which in the private market may be $3,000 to $4,000 a year.

Secondly, what we find with this above-line deduction is that it creates a disincentive for employers to provide health insurance. As a consequence, a lot more employers may decide not to provide health insurance and, instead, actually increase the ranks of the uninsured.

The only people that really are able to take advantage of this are people that already have health insurance that are making a decent income and can take advantage of the deduction.

But if one is trying to increase the number of insured people and take the uninsured off the rolls, this accomplishes virtually nothing. It just helps people who are in a higher income bracket and who already have health insurance.

Again, it sounds so critical. The Republican leadership brought up this bill yesterday, or the day before when they brought it out here; and they said, we are going to try to do all these things. We want to address some of the health care concerns of the American public with this bill.

But whether it is the question of the uninsured, it is ineffective. Whether it is the question of addressing the prescription drug prices, it is ineffective, because it does not provide any guarantees one is going to get prescription drugs under any kind of HMO plan. Certainly it does not even address the effort to reform the HMOs with the Patients' Bill of Rights that the Democrats have been talking about.

So I just want to say, once again, we see the Republican leadership aligned with the special interests, the drug companies, the HMOs, the health insurance companies, not doing anything that is going to help the average American.

Now, I wanted to talk a little bit, because I think it is important, I mentioned before earlier that there are three major health care issues that are not being addressed by this Congress. We only have a few more days. Every one of these issues could have been addressed and could have come to the floor. The Democrats have been pushing for them, for these issues, and for legislation to address these concerns to come to the floor. It appears in the dying days of this Congress that these issues are simply not going to be addressed. They should be. It is not fair. It does not address the concerns of the average American.

Now, the first one I want to talk about is the Patients' Bill of Rights, HMO reform. We know from our own constituents, I can certainly say for my constituents, that one of the biggest problems people face is, if they are in an HMO, oftentimes they are denied access to the care that they need, that their physician says that they need.

Now, that may be the individual who goes to the hospital and finds that the doctor says to them that they need to stay a couple extra days in the hospital after recuperating from a particular operation. Or it may be the individual who has the need for a particular operation, and the HMO says they are not going to pay for it, they are not going to cover it.

There are so many situations. There are situations where people, their HMO plans say that they cannot go to the local hospital, they have to go to a hospital 50 miles away. They may be in a situation where they want to go to the local emergency room, and they have to go to the one 50 miles away; otherwise, it is not covered.

These are the kinds of abuses that we see, not every day, but on a fairly regular basis. A lot of people come to my office and complain about these things.

Now, what the Democrats said is, well, we want to address these abuses. Generally, the plan that the Democrats put forth, with some Republicans, the Patients' Bill of Rights, the Norwood-Dingell bill, has two major ways of correcting the abuses in sort of an overall sense.

One is that it provides that, if a decision has to be made about what kind of care one is going to get, that that decision, rather than being made by the insurance company, is made by the physician and the patient. The definition, if you will, of what is medically necessary, the hospital stay, the particular operation, of what is medically necessary is made by the physician and the patient, and not by the insurance company.

The second thing it does in a broad sense is the Patients' Bill of Rights says that, if one is denied care because the insurance company says one cannot have that operation, for example, then one has to have an ability to redress that grievance.

The Patients' Bill of Rights does it in essentially two ways. One, it says that one can go to a board outside the jurisdiction or outside of the umbrella of the HMO, an independent review board that will look at the case and decide whether the HMO made the wrong decision in denying one that care. Absent that or sort of an appeal from the review board is that one can go to court and one can bring suit. These are really very simple things.

Basically what happened here is that the Democratic leadership, the Vice President, the President got together, and we were able to get some Republicans on the other side, initiated by Republicans that were physicians, the gentleman from Georgia (Mr. NORWOOD), the gentleman from Iowa (Mr. GANSKE) and some others, to join us and put together the Patients' Bill of Rights, the Norwood-Dingell bill.

The Republican leadership opposed it. The Republican leadership did not want to bring it to the floor. We went out and got a discharge petition, which is a way of coming up to the well here

and getting almost a majority of the Members to sign a petition saying we want it brought to the floor.

The Republican leadership eventually brought it to the floor. It passed with almost every Democrat and maybe a third of the Republicans. It went over to the Senate where it was killed by the Senators who will not even let it come out of conference between the two Houses.

But, again, this is an important piece of legislation, just as important as a prescription drug benefit under Medicare, just as important as trying to address the problems of the uninsured; and we find that the Republican leadership in this House of Representatives simply will not let any of these good measures move forward.

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They have stopped them, and they are still stopping them in the waning hours of this Congress.

I see I have been joined this evening by two of my colleagues who have been out front on all of these issues over the last 2 years, and even beyond that, and I am very pleased to see them here.

I will first yield to my colleague from Texas (Mr. TURNER), who has done so many things, but I think probably the best example I saw was the period of time in his district where he spoke to the different senior groups and had them bring in their prescription drugs and tell him about the problems that they faced with prescription drugs, and actually brought the pill bottles down here, and suggested the rest of us do the same, and we very dramatically showed, along with the gentleman from Texas, about what kind of problems the average senior faces in Texas and in all of our districts.

So I yield to the gentleman from Texas at this point.

Mr. TURNER. It is good to join my colleague here on the floor tonight to talk about the important issues that are still pending before this Congress that have not been acted upon.

Here we are, very near the end of this session of Congress, and still we have been unable to see the patient's bill of rights put into law, which is so very essential to all Americans to ensure that they are able to make their medical decisions with the consultation of their doctors and not have that interfered with by the insurance company clerks that work for the HMOs. I think it is way pastime for Congress to act on this very, very critical issue.

I had the opportunity when I was in the Texas legislature in 1995 to carry the first patient's bill of rights. It passed overwhelmingly in the legislature, had only 4 no votes, as I recall, out of 31 members of the State Senate. It passed by voice vote in the House.

We recognized early on, as many States did, that we needed patient protection to be sure that doctors and not insurance companies are making medical decisions affecting our lives and our health. Unfortunately, in 1995, our governor, Governor Bush, vetoed that bill. We were at the end of the session and had no opportunity to override, which we certainly would have done had time not run out on the session. But we did see the legislature in 1997 come back and pass similar legislation. And part of that the governor signed, and another part, relating to accountability, he let become law without putting his signature on the bill.

In any event, we found ourselves in a position, after many States adopted patient protection legislation, of seeing lawsuits arise, filed by the big insurance companies and the HMOs, alleging they should not have to be bound by these State protections that many legislatures adopted, simply because, they said, they were multi-State plans and covered by Federal law, which preempted all State regulations. So that is why in this Congress many of us have united together to try to provide protection for all patients, whether they are covered under a State plan or whether they are covered under a multi-State plan that does not have any regulation or patient protection unless we in the Congress pass a Federal law to protect patients.

Thus far, as the gentleman has pointed out so clearly, even though we have passed a good strong, bipartisan bill in this House, the Senate watered it down, and that bill is stuck in conference committee because the majority, who passed that bill in this House, were not appointed to that conference committee. That bill has never been moved forward. I think that is a great disservice to the people of this country, and I am hopeful that we can see action soon on a good strong patient's bill of rights.

I also believe it is a failure of this Congress not to deal with the problem of prescription drug coverage for our seniors under Medicare. I was looking at a Texas paper the other day, the Dallas Morning News, that had a long article talking about the problems that our senior citizens have faced with affording prescription drugs. This article is entitled ''A Dose of Reality.'' It tells the stories of three seniors. Their stories are like the many that I have heard in my district over the past 2 and 3 years, since we have been working to try to get some action out of this Congress on this issue.

Those stories, over and over again, tell about seniors who are taking six, eight, twelve prescriptions a month and are having to make the difficult choice of do they fill their prescription or do they buy their food or pay for their utilities or pay the rent. And in a country as prosperous as we are and as compassionate as we would like to say we are, one would think that we could provide a prescription drug benefit under Medicare to allow all of our seniors to be able to afford their prescription medicines.

I am hopeful that this Congress will act on this issue before we adjourn, because I think it is a sign of a true failure of this Congress if we fail to provide our seniors some help on prescription drugs. The gentleman from New Jersey and the gentleman from Maine (Mr. ALLEN), who is here with us tonight, have all worked diligently on this problem. There is no reason in a country like ours to think that our citizens have to pay prescription drug prices that are twice as high as anyone else in the world pays.

I think, frankly, when it comes right down to it, the inaction of this Congress can be traced straight to the influence of the big drug manufacturers over some in leadership in this Congress. Because the truth of the matter is, the drug companies have spent millions of dollars trying to defeat our efforts to put a prescription drug benefit under Medicare. And it is easy to understand, because they know that if we ever have a prescription drug benefit under Medicare, the government is not going to pay the same high prices that a senior is having to pay today when they walk in a local retail pharmacy. They will not pay those kind of prices. The big drug companies have it their way now and they do not want to give it up.

I was very proud when the Vice President made as a part of his agenda a prescription drug benefit under Medicare to provide affordable prescription drug coverage for seniors. The truth is we cannot wait another 4 or 5 years to provide that kind of coverage. And this idea that Governor Bush has espoused of giving a little money to the States to just take care of the low-income seniors, that is only half a loaf. The truth is, whether or not an individual is low-income or not does not determine whether or not they are having a hard time paying for their prescription medicines. It is how sick an individual is as well as how big their pocketbook is.

I guaranty my colleagues there are many middle-income seniors in this country today that have high prescription drug costs, and they cannot afford them. Even though they may be classified as middle income seniors, they simply cannot afford those six and eight and twelve prescriptions they are having to fill every month. Those people also need help.

And if we all believe in Medicare, and everybody around here seems to say they believe in it, then there is certainly nothing wrong with bringing it up to the 21st century to be sure that it covers prescription drug costs. I think, frankly, when President Lyndon Johnson, from my State of Texas, signed Medicare into law in 1965, it would have had a prescription drug benefit if prescription drugs had been as large a portion of our health care costs as they are today.

So these are the items that this Congress has failed to deal with, and I am proud to be among those on this floor tonight who have worked hard to try to bring this kind of prescription drug coverage and this kind of legislation to

protect patients enrolled in managed care, because the American people want it. And I do not think they understand the influence of the insurance industry and the drug industry that is keeping us from being able to get a majority of this Congress to support this legislation.

So we are here tonight to sound the call for action once again, and I am proud to join with the gentleman.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Texas. I think that when he talks about the substance of all this, and obviously that is crucial and that is why we are here tonight, but more than anybody else the gentleman has brought home to us, with the things he has done in his district, about how this is really something that affects the average person, and that our constituents are suffering, that our seniors are having problems getting prescription drugs because of the price and because of the price discrimination.

We are not just talking about something that is pie in the sky. This is something that is real for the average citizen.

I will now yield to my other colleague, the gentleman from Maine (Mr. ALLEN), and just point out that he, probably more than anybody else, has brought out this whole issue of price discrimination, not only between different Americans but even by comparison to prices abroad. So I yield to the gentleman.

Mr. ALLEN. I thank the gentleman for yielding to me and for his leadership on this issue, along with the gentleman from Texas (Mr. TURNER). We have been going at this now for over 2 years.

It is interesting to watch in the public and in the debate in this chamber how the issue has taken form. It now has gotten so fuzed up, so complicated that we cannot blame people for having a tough time figuring what is going on, when under the surface it is actually very simple.

Seniors pay the highest prescription drug prices in the world, and the adversaries, the people who are trying to keep them paying the highest prices in the world, is the pharmaceutical industry. The gentleman was talking a moment ago about the special interests. Because of the law that this Congress passed dealing with so-called section 527 organizations, we now have information that we did not have before. This group called Citizens for Better Medicare is a group that has been out there running ads now for about a year and a half now around the country. It is a wonderful name, is it not, Citizens for Better Medicare? The trouble is they are not citizens, it is the pharmaceutical industry, and they are not for better Medicare because they do not want Medicare to provide a prescription drug benefit. They want insurance companies and HMOs to provide that benefit.

But we just have a report filed with the FED from Citizens for Better Medicare which shows that between July 1 of this year and September 30 of this year they spent $8.5 million running TV ads around the country. And if my colleagues look at what those TV ads are trying to do, they are trying to make black white and white black. What they are really doing is saying that the people who have been fighting for a Medicare prescription drug benefit are terrible and are not for seniors, and the people who have been fighting against a Medicare prescription drug benefit for seniors are heroes.

If we look at the legislation that we have been working on, the bill that I introduced, that the gentleman from Texas (Mr. TURNER) has worked on, that the gentleman from New Jersey (Mr. PALLONE) has been an advocate for for a long time, it is very simple, Prescription Drug Fairness for Seniors Act, that bill does not have any significant cost to the Federal Government. No new bureaucracy. Yet we have 152 cosponsors and not one Republican. Not one Republican will stand up and support giving a discount to Medicare beneficiaries so they can get the advantage of the best price to the Federal Government. Not one Republican is willing to stand up and support that approach.

When we turn to the Medicare prescription drug benefit, which is where the government would help to pay for part of, not all but 50 percent of the initial cost of prescription drug prices for seniors, my recollection is that we do not have one single Republican on that bill; am I right?

Mr. PALLONE. That is true, we do not.

Mr. ALLEN. Yet if we listen to the debates, George W. Bush said during the debates that he wanted to do a Medicare prescription drug benefit. Three months ago there was no plan from the Republican nominee George W. Bush. He did not have a plan for prescription drugs. Now he has one.

He adopted it based on what the Republicans in this chamber did. And what was that? That was a plan that the pharmaceutical industry loves, and only the pharmaceutical industry could love, because it was a plan that provided government subsidies to insurance companies so that they could provide private sector health insurance to cover prescription drugs.

Little detail. Small problem. The health insurance industry has said loudly and clearly and repeatedly, we will not provide stand-alone prescription drug coverage for seniors. So who is the prescription for? The answer: It is for Republican candidates.

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Get them past November 7 and then we will deal with it. But by then it will be too late to deal with seniors to give them what they really need. They keep coming back. The way to do this is real simple. Follow the money. Follow the money. And the special interest money from the pharmaceutical industry through Citizens for Better Medicare, through the U.S. Chamber of Commerce, through other business groups is not reliable.

Basically, we have been fighting for seniors to get them lower prices and coverage for prescription drugs for 2 years with no help from Republicans on the other side of the aisle. And now the effort is, of course, by the pharmaceutical industry, they can spend enough money on confusing television ads maybe. Maybe they can confuse the American people enough as to who is really on their side to get them through November 7.

Mr. PALLONE. Mr. Speaker, I want to develop what my colleague said a little bit if I can maybe go back and forth a little here because I think it is so true and so important.

First of all, with regard to this special interest money, I wanted to say and I have said many other times on the floor that I was a victim of this 2 years ago in 1998 when I was running for election. At the time, of course, I was an advocate for HMO reform and I was an advocate for the health care agenda that we have talked about here tonight. And as a consequence, a group was formed and at that point they did not have any disclosures, which the gentleman is pointing out now about how they have to disclose and he has those documents from the FEC was not true before.

Basically, a group was formed to do an independent expenditure against me that was primarily financed by the health insurance industry, by the HMOs and by the pharmaceuticals. And they spent about $5 million in these independent ads, about $3 million on New York TV, which is the most expensive market in the country.

And of course, even though they were financing it, they did not talk about the health care issues. I do not even remember what they talked about. I think it was that I was raising taxes or something unrelated, if you will, to the health care issues. I had to bring out the fact that this money was coming from the health care industry, from the pharmaceutical industry, and why they were doing it because I was supporting HMO reform and supporting a prescription drug benefit and supporting the things that we talked about this evening.

No disclosure. Corporate money, what we call soft money, not the individual kind of contributions. If people want to contribute to us, they have to make an individual contribution, they have to disclose it. The maximum is a thousand dollars. This was all corporate. This was hundreds of thousands of dollars adding up to $5 million.

This goes on all the time. I mean, I still think that even with the disclosure that the gentleman is talking about there is still a lot ways to get around this under current law.

Mr. ALLEN. Mr. Speaker, let us turn just for a moment to another special interest, the HMO industry.

This is a report done by the General Accounting Office that came out in August of this year, August 2000. The title is ''Medicare+Choice.'' That is the managed care plan. That refers to managed care plans that operate within the Medicare system. This was an approach to get HMOs into Medicare that the Republicans pushed very hard in 1997. It was incorporated into the Balanced Budget Act. I think a lot of us hoped that it might work, that it might drive down costs.

But what this GAO study says, the title is ''Payments Exceed Cost of Fee-for-Service Benefits Adding Billions to Spending.''

This report concludes that although HMOs were allowed to come into Medicare on the theory that it would help reduce costs and expand benefits, it turns out that what has happened is the costs are higher for Medicare+Choice, for managed care and Medicare, than they are for the traditional fee-for-service benefit, the way Medicare has operated. So at this point you have to say what is the purpose of having HMOs operate under Medicare.

Now, look at what we did just yesterday. Just yesterday, the Republican majority brought to the floor of this House a tax relief bill which had attached to it a whole array of different things, but one of the things was what we have been calling in Medicare a BBA give-back, a Balanced Budget Act give-back.

Why was that brought to the floor? A lot of us had supported an earlier bipartisan version. Because when we go back to our districts, we hear from our hospitals, we hear from our home health care agencies, we hear from our long-term care agencies that what happened in 1997 was too severe, the cuts have been too great, there has got to be some restoration or we are going to find hospice programs, hospitals, nursing homes, and home health care agencies simply going out of business.

So the bill that comes to the floor yesterday is a bill that gives $11 billion back not to hospitals and the other providers but to the HMOs over the first 5 years and $34 billion to the HMOs over 10 years.

Now, what good does this do? Absolutely none. It does no good, because the money just goes to the HMOs. There is no accountability. There is no requirement that an HMO stay in a particular State, that it serve people it is serving now, that it serve people that it is not serving now. It is simply funneling money to an HMO industry, which just coincidentally gave $4.8 million to the to the Republican party and its candidates in 1999 through June of this year.

Now, we have to be suspicious. When we have our providers, the hospitals and others saying we have to have some restoration of these funds, when we have a bipartisan group working on a plan and it is moving along well, and then at the last minute that bipartisan plan is yanked and we get something that puts 40 to 47 percent of the benefit of that give-back straight to the HMO industry, we have really got to wonder.

The truth is this is again another case of whose side are they on. They can be on the side of seniors and can they help their providers, but they cannot do that and also be funneling money to the HMOs.

Mr. TURNER. Mr. Speaker, I just want to tell the gentleman that I think the medical providers and the hospitals across this country have figured out what was wrong with that bill that the Republican majority passed on the floor of this House the other day.

I have got a letter here in my hand that came in just a couple of days ago. This is from a hospital administrator in my district, George Miller. George is a real fine administrator of Christus Jasper Memorial Hospital down in Jasper, Texas, in my district. Here is what he writes me.

He says, ''We are extremely concerned because, in the present language in the bill,'' referring to the one that was passed yesterday, ''it provides one-third to one-half of the Balanced Budget Act relief,'' that is the money, one-half to one-third of the money, ''over 10 years would go to HMOs, leaving less for providers and beneficiaries in East Texas, such as Christus Jasper Memorial Hospital.''

Further, he writes, ''The bill does not prohibit HMOs from dropping benefits or leaving the community, as they have done here in Texas and left many of our patients without HMO coverage. We need your help.''

This is from my hospital administrator in my district in Jasper.

I want to tell my colleagues, I have had town meetings in my district during the August break and I went around to talk about the problem of prescription drug coverage for seniors, and what I was confronted with was seniors who were angry because they had just received their letter of cancellation from their HMO, seniors that had signed up for Medicare Choice HMO plans solely because the HMOs said, we will put on a little prescription drug coverage for you if will you go with us and get off traditional Medicare.

As long as we cannot get this Congress to approve a prescription drug benefit under Medicare, those HMOs have a real strong leverage to appeal to those seniors. That is another reason we are having a hard time putting a prescription drug benefit under Medicare is because not only do the drug companies oppose it because they are afraid they cannot charge the same high prices to the Government as they are doing to our seniors, but the insurance industry knows that they are sunk if we put a prescription drug benefit under Medicare because they have been selling seniors HMO Medicare+Choice plans with the benefit of some prescription drug coverage and if they lose that advantage, our seniors are going back to regular Medicare.

And why are we promoting seniors going into HMO Medicare+Choice plan, whether, as the gentleman from Maine (Mr. ALLEN) pointed outside, the General Accounting Office, the bipartisan agency that advises this Congress, tells us that Congress is already spending more money allowing seniors to be enrolled in HMOs than they would if we just let them be in regular Medicare.

So we have got an issue before this Congress right now, and I am confident the President is going to veto that bill when it ever reaches his desk. Because the truth of the matter is I have got hospitals in my district that are about to close because we have not provided enough money to them under the Medicare reimbursement plan.

I just do not think it is right to be lining the pockets of the insurance companies by increasing dramatically almost half of the money going into Medicare is going to these HMOs to allow them to increase the bottom line profit for them while I have got hospitals in rural East Texas that are going to close because we are not putting the money into the Medicare program that will reimburse them for their services.

Instead, this Congress wants to give it to the big insurance companies. That is just not right. And I am proud the President has already spoken out saying he is not going to stand for it. And I think sooner or later the American people are going to figure out who is on their side in this Congress. And I guarantee you, it is not the insurance companies and the big drug companies and those who are dancing to their tune.

Mr. PALLONE. Mr. Speaker, I just want to follow up on what the gentleman from Maine said.

First of all, I have to say to my colleague from Texas that he is always so good at bringing these issues down to the average person and how it affects his hospitals and how it affects his seniors. I want to keep saying over and over again, that is why we are here talking about this because it directly affects our constituents.

But I wanted to go back to the GAO report that the gentleman from Maine (Mr. ALLEN) mentioned. Because I mean, he just brought that out so well. I mean, the problem here with this tax bill that the President is going to veto, we are giving all this money to the HMOs and they are already costing the Federal Government more than the traditional Medicare fee-for-service. And I can think of at least three reasons why.

First of all, what do they do with that money? They are taking it and they are paying for political ads against the people that do not support their interests. They are using the money to pay for the administrative costs of their CEOs' bill salaries, vacations, who knows what.

The other thing that I was thinking about, too, is advertising. In my district I have been to some of these meetings where they do all of this huge

advertising in the papers. I remember once there was a local diner and they had all the seniors come to the diner and they were giving them lobster dinners if they came to the diner to sign up for the HMO. So that is where all that money is going for all these other costs.

The amazing thing is that the hospitals and the nursing homes and the home health care agencies that are not getting the money from this tax bill, or getting much less, they are more direct providers. I mean, that money is going almost directly to them. Medicare fee-for-service has very little overhead. So they are just paying the money to them to take care of the people's health needs as opposed to all this other nonsense that the HMOs are doing.

Mr. ALLEN. Mr. Speaker, the gentleman talks about the overhead. It is very simple. Medicare is equitable. It covers everyone all over the country who qualifies for it. Medicare does not pick up and leave the State if it is not making money. This is a program that has continuity and predictability and stability. And get what? Its administrative costs are around three percent.

When they go to the private sector to these HMOs and these insurance companies, they have got administrative costs that they do not have at all with Medicare. First of all, they pay their executives millions and millions of dollars. And there is no one in Medicare, no one at HCFA or anywhere else here who is being paid millions of dollars. And second, they have got to earn a profit. And third, they have got all sorts of marketing costs that Medicare would not have.

So compared to the two to three percent administrative cost for Medicare, they have got 20 percent, 30 percent depending on the insurance company, they have got very big administrative costs.

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I want to bring this back to my home state. In Maine, as of July 1, there was a notice. We had only 1,700 people in Maine that were signed up for managed care. That is 1,700 people in Medicare signed up for managed care. And they all got a notice shortly after July 1 from the carrier saying that come December 31, the carrier was pulling out of the state. Two of those people were my parents. That was how they got their prescription drug coverage. Now they have got to go out and buy some other kind of supplemental insurance, but it will not be any managed care plan.

So the benefits of HMOs and Medicare are now gone. There are none. There are going to be none in the State of Maine, and they will have to go find some Medigap policy. But the trouble with those policies is, A, they are expensive, and B, they have very limited coverage. They do not have anything like the kind of catastrophic coverage that is part of the Democratic plan, what AL GORE proposed, as a way to deal with prescription drugs.

So I look at this so-called tax relief bill, this Balanced Budget Act giveback that we passed yesterday, and I know that that $34 billion over the next 10 years is not going to the State of Maine, it is not going to east Texas, it is not going to hospitals, it is not going to home health care agencies, it is not going to nursing homes; it is just going straight into the pockets of the HMOs.

That is fundamentally wrong, fundamentally wrong. Here we are, trying to make sure that seniors, for whom health care is a real worry, the people I talk to, are very worried that their money is going to run out. They are very worried they are just not going to be able to take the prescription drugs that the doctors tell them they have to take. With all the anxiety, what this Republican Congress is doing is catering to the special interests, the pharmaceutical industry and the HMOs. It is wrong and it needs to change.

Mr. TURNER. If the gentleman will yield, it is really amazing when you really get down and look at the hard, cold facts of the bill that was passed in this House yesterday, that gave almost half of the additional funding for Medicare goes to the HMOs and the insurance companies, because, the truth is, there are only about 15 percent of America's seniors that even have or live in an area where they have the opportunity to select a Medicare+Choice HMO plan.

In my 19 county Congressional district, today there are only two counties where there is even an HMO Medicare+Choice plan offered by the insurance companies. Now, why in the world, if only 15 percent of the senior population of this country even have the opportunity to buy one of those HMO plans and take advantage of the little add-ons they are able to offer, prescription drug coverage, eyeglass coverage, why would we give almost half of the additional money that we choose to appropriate this year to those HMO plans which are only available to 15 percent of the seniors?

It is just not right, particularly when you have got hospitals all across this country that are about to close their doors because the Medicare reimbursements are so low.

Now, it does not take a smart person to see the fallacy in what is going on around here, and I think it is pretty apparent that the insurance industry and their lobbyists are carrying the day, not the American people.

In Texas, in Texas we have 270,000 seniors who were forced to skip a necessary prescription in 1998 because they could not afford it. We had 800,000 seniors in Texas who were forced to pay for their own prescription drug costs because they had no insurance coverage of any kind.

You would think that, surely, we can do better. And I believe we must do better. Prescription drug coverage for seniors under Medicare, patient protection legislation to be sure everyone enrolled in managed care gets to make their medical decisions with their doctor, not having some insurance clerk interfere, and to think that we cannot figure out how to accomplish these things in this Congress is really more than many of us here can understand.

So I am just hoping and praying that we will get the kind of legislation that the American people want and need. I was here yesterday, sat right up here in the gallery with a young family, husband and wife and a young daughter from Newton County in my district. The young daughter has leukemia.

I sat there and listened to the father talk about their experience with managed care. He even told me about his experience of his wife, who needed surgery a few months back and had to fight her managed care company to get the surgery approved, and, after they finally got it approved and she had it, they had to fight with the same HMO to get the bill paid.

There are people all across this country that can tell similar stories about dealing with their HMOs, and I think this Congress must act. I am proud to be here tonight with my colleagues to continue the battle that ultimately we will win, because we are on the right side of this issue for the American people.

Yes, I think, as the vice president said, it is really a choice of are we for the people, or are you for the powerful, and I think we had better come down on the side of the American people.

Mr. PALLONE. I appreciate the gentleman's comments. I know we do not have a lot of time left and I want to yield to the gentleman from Maine, but I wanted to say the issues of abuses by the HMO affect everyone, by insurance companies.

I had a situation myself, and I have not mentioned it for a while because we now have the law that we passed in the previous Congress that says that for the drive-through deliveries, you have to allow at least 24 hours, I think is it is now 2 days for normal delivery, and maybe 4 days for a C-section, when a you have a baby. They had changed the rules in between my daughter being born and my son being born, when they were both born by C-section.

We were actually at Columbia Hospital for Women here in D.C. between the two births. The law had changed, or at least the insurance company changed it, and when my son was born, after the second day, they said my wife had to come home and he had to come home from the hospital. It was only because there was a law in D.C., and I do not think it exists in a lot of states, that says before the child goes home he has to be examined by a pediatrician for certain things, and they found he was jaundiced. So they let the two of them stay, my wife and son stay, an extra day in the hospital. Then we passed the law to prohibit the drive-through deliveries. But these abuses impact everyone. It is across the board.

I yield to the gentleman from Maine.

Mr. ALLEN. I thank the gentleman for yielding. In conclusion, I thought I would try to simplify this about the prescription drug benefit. The Democrats are saying, all of us are saying, that what we want is a Medicare prescription drug benefit. That is, seniors would get their prescription drug benefit as part of the Medicare package.

This is exactly what every Member of this House has through his or her own insurance, because everyone in this House has some plan through the Federal employees insurance, and it is a plan that you sign up for and other Federal employees get, and if they have prescription drug coverage, which I suspect almost everyone here does, they have it as part of the plan. If they have a Blue Cross plan, they have a Blue Cross prescription benefit; if they have an Aetna plan, they have an Aetna prescription benefit.

All we are saying on the Democratic side of the aisle is, let us have a Medicare prescription drug benefit. And what the Republicans are saying is no, no, no, no, no, that would be wrong, because, after all, Medicare is a Federal health care plan. We would not want Medicare to provide a prescription drug benefit. That would be somehow wrong, because it is a government plan. That is nonsense. It is not right. It is absolutely not right.

The benefit, the prescription drug coverage should come through Medicare. It is the health care plan for our seniors and our disabled people, and there is no excuse to try to create some Rube Goldberg system involving private insurance companies and HMOs as an alternative. But that is what the folks on the other side of the aisle have been trying to put over on the American people.

Mr. PALLONE. I listened to that third debate between the two presidential candidates, and I was very upset to hear Governor Bush say he was providing a Medicare prescription plan. I believe he used the term Medicare.

Mr. ALLEN. He did.

Mr. PALLONE. Yet the Republican plan and his plan is a voucher. It is not under Medicare. It a voucher that you get if you are below a certain income, not for most people, but if you are below a certain income, to go out and try to find an HMO or somebody to cover your prescription drugs. So, to even suggest that somehow this is a Medicare plan is not accurate. It is not under Medicare.

I think that is a major distinction between the Democrats and the Republicans on this issue, that we want to use traditional Medicare for the prescription drug benefit, and the Republican leadership does not. That is a key difference here, no question about it.

Mr. TURNER. If the gentleman will yield, you know, I think you are right on target. When you combine that fact with the fact that these Medicare+Choice plans are not even available, and you hear the proposal that Governor Bush makes to give the seniors a voucher so they just get 25 percent of the premium for their insurance covered by the government, what we are moving toward, and I think it is wrong, it is a system where no longer do you have the same coverage no matter where you live in this country.

Medicare, as I have always understood it, said that no matter where you live in this country, whether you live in the city or in the country, in rural America, urban America, you have the same coverage and the same benefit. And when you refuse to provide a prescription drug benefit under Medicare, and you only allow the HMOs to offer plans that can add on a prescription drug benefit, what you have done is changed in a very dramatic way what Medicare should mean to every senior, no matter where they live in this country.

Mr. PALLONE. I want to thank my colleagues for joining me tonight.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. NADLER) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. VISCLOSKY, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

(The following Members (at the request of Mr. SHAW) to revise and extend their remarks and include extraneous material:)

Mr. GEKAS, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, October 30 and 31 and November 1, 2, and 3.

Mr. RILEY, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

Mr. HOSTETTLER, for 5 minutes, today.

Mr. YOUNG of Alaska, for 5 minutes, October 30.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mrs. MEEK of Florida, for 5 minutes, today.

Mr. BACHUS, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3045. An act to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1651. An act to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes.

H.R. 3218. An act to amend title 31, United States Code, to prohibit the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued on public money in the Treasury.

H.R. 5178. An act to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970.

H.J. Res. 117. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a joint resolution of the House of the following title:

On October 26, 2000:

H.J. Res. 116. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Saturday, October 28, 2000, at 9 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the third quarter of 2000, by Committees of the House of Representatives, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. C.W. Bill Young	7/20	7/24	England		1,074.00		(3)				1,074.00
Hon. Kay Granger	7/20	7/24	England		1,074.00		(3)				1,074.00
Hon. Robert E. "Bud" Cramer	7/20	7/24	England		1,074.00		(3)				1,074.00
Douglas Gregory	7/20	7/24	England		1,074.00		(3)				1,074.00
Kevin Roper	7/21	7/25	England		1,445.00		(3)				1,445.00
Commercial airfare [4]							2,423.00				2,423.00
Jim Dyer	7/21	7/25	England		1,432.00		(3)				1,432.00
Commercial airfare [4]							2,423.00				2,423.00
Elizabeth Dawson	7/21	7/25	England		1,790.00						1,790.00
Commercial airfare							5,901.80				5,901.80
Frank Cushing	7/21	7/25	England		1,790.00						1,790.00
Commercial airfare							5,848.80				5,848.80
John T. Blazey II	7/20	7/24	England		1,074.00		(3)				1,074.00
Richard E. Efford	7/20	7/24	England		1,074.00		(3)				1,074.00
John T. Blazey II	8/13	8/16	South Africa		650.00						650.00
Commercial airfare							5,679.00				5,679.00
Stephanie Gupta	8/13	8/16	South Africa		650.00						650.00
Commercial airfare							5,678.61				5,678.61
James W. Dyer	8/16	8/18	Greece		346.00						346.00
	8/18	8/20	Cyprus		402.00						402.00
	8/20	8/21	Italy		328.00						328.00
	8/21	8/23	Malta		424.00						424.00
Commercial airfare							5,570.53				5,570.53
John G. Shank	8/16	8/18	Greece		346.00						346.00
	8/18	8/20	Cyprus		402.00						402.00
	8/20	8/21	Italy		328.00						328.00
	8/21	8/23	Malta		424.00						424.00
Commercial airfare							5,570.53				5,570.53
Scott Lilly	8/15	8/23	Russia		2,453.00						2,453.00
Commercial airfare							4,651.00				4,651.00
Hon. James T. Walsh	8/25	8/27	France		594.00						594.00
	8/27	8/31	Russia		1,398.00						1,398.00
	8/31	9/1	Ireland		281.00						281.00
Hon. Alan B. Mollohan	8/25	8/27	France		594.00						594.00
	8/27	8/31	Russia		1,398.00						1,398.00
	8/31	9/1	Ireland		281.00						281.00
Hon. Carrie P. Meek	8/25	8/27	France		594.00						594.00
	8/27	8/31	Russia		1,398.00		(3)				1,398.00
	8/31	9/1	Ireland		281.00		(3)				281.00
Hon. Robert E. "Bud" Cramer	8/25	8/27	France		594.00		(3)				594.00
	8/27	8/31	Russia		1,398.00		(3)				1,398.00
	8/31	9/1	Ireland		281.00		(3)				281.00
Timothy L. Peterson	8/25	8/27	France		594.00		(3)				594.00
	8/27	8/31	Russia		1,398.00		(3)				1,398.00
	8/31	9/1	Ireland		281.00		(3)				281.00
Dena Baron	8/25	8/27	France		594.00		(3)				594.00
	8/27	8/31	Russia		1,398.00		(3)				1,398.00
	8/31	9/1	Ireland		281.00		(3)				281.00
Mark W. Murray	8/27	8/31	South Africa		600.00						600.00
	8/31	9/1	Mozambique		200.00						200.00
	9/1	9/3	South Africa		400.00						400.00
Commercial airfare							6,604.00				6,604.00
Hon. Harold Rogers	8/22	8/25	Ireland		843.00		(3)				843.00
	8/25	8/28	Russia		1,029.00		(3)				1,029.00
	8/28	8/30	Estonia		434.00		(3)				434.00
	8/30	8/31	Netherlands		492.00		(3)				492.00
	8/31	9/3	United Kingdom		815.00		(3)				815.00
Hon. Tom Latham	8/22	8/25	Ireland		843.00		(3)				843.00
	8/25	8/28	Russia		1,029.00		(3)				1,029.00
	8/28	8/30	Estonia		434.00		(3)				434.00
	8/30	8/31	Netherlands		492.00		(3)				492.00
	8/31	9/3	United Kingdom		815.00		(3)				815.00
Gail DelBalzo	8/22	8/25	Ireland		843.00		(3)				843.00
	8/25	8/28	Russia		1,029.00		(3)				1,029.00
	8/28	8/30	Estonia		434.00		(3)				434.00
	8/30	8/31	Netherlands		492.00		(3)				492.00
	8/31	9/3	United Kingdom		622.00		(3)				622.00
John T. Blazey II	8/22	8/25	Ireland		843.00		(3)				843.00
	8/25	8/28	Russia		1,029.00		(3)				1,029.00
	8/28	8/30	Estonia		434.00		(3)				434.00
	8/30	8/31	Netherlands		492.00		(3)				492.00
	8/31	9/3	United Kingdom		622.00		(3)				622.00
Christine M. Ryan	8/22	8/25	Ireland		843.00						843.00
	8/25	8/28	Russia		1,029.00						1,029.00
	8/28	8/30	Estonia		434.00						434.00
	8/30	8/31	Netherlands		492.00						492.00
	8/31	9/3	United Kingdom		620.00						620.00
Commercial airfare [4]							740.42				740.42
Sally Chadbourne	8/22	8/25	Ireland		843.00						843.00
	8/25	8/28	Russia		1,029.00						1,029.00
	8/28	8/30	Estonia		434.00						434.00
	8/30	8/31	Netherlands		492.00						492.00
	8/31	9/3	United Kingdom		622.00						622.00
Commercial airfare						3,420.00					3,420.00
Elizabeth Dawson	8/23	8/27	Italy		900.00						900.00
	8/23	8/27	Belgium		900.00						900.00
Commercial airfare							5,345.42				5,345.42
Hon. Jim Kolbe	9/21	9/22	Mexico		146.25		(3)				146.25
Hon. Ed Pastor	9/21	9/22	Mexico		217.25		(3)				217.25
Committee total					57,559.50		59,856.91				117,416.41

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Part of the transportation was by commercial airfare with the remainder by military air transportation.

C.W. BILL YOUNG, Chairman, Oct. 24, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
G.C. Baird	9/9	9/15	Germany		772.75		5,364.00		138.15		6,274.90

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
S.A. Cekala	9/16	9/23	Germany		896.25		5,363.63		44.15		6,304.03
D.D. DeLong	9/9	9/13	Germany		549.25		4,136.05		140.07		4,825.37
	9/13	9/14	Italy		90.00						90.00
	9/14	9/15	Turkey		202.50						202.50
	9/15	9/21	Italy		690.00						690.00
	9/21	9/23	Spain		383.25						383.25
D.B. Grimes	9/9	9/23	Germany		1,789.25		4,574.05		32.50		6,395.80
R.A. Hautala	9/16	9/23	Germany		819.25		4,574.05		54.96		5,448.26
D.M. Keppler	9/16	9/20	Germany		536.75		1,798.60		113.94		2,449.29
R.H. Pearre, Jr	9/9	9/13	Germany		549.25		5,678.00		97.62		6,324.87
	9/13	9/14	Italy		90.00						90.00
	9/14	9/15	Turkey		202.50						202.50
	9/15	9/20	Italy		570.00						570.00
J.N. Phillips	9/16	9/23	Germany		819.25		5,363.40		56.44		6,239.09
R.A. Ramsby	9/9	9/23	Germany		1,789.25		4,574.05		18.60		6,381.90
R.F. Stockman	9/16	9/23	Germany		819.25		4,574.05		74.88		5,468.18
C.W. Thompson	9/9	9/13	Germany		549.25		4,136.05		67.13		4,752.43
	9/13	9/14	Italy		90.00						90.00
	9/14	9/15	Turkey		202.50						202.50
	9/15	9/21	Italy		690.00						690.00
	9/21	9/23	Spain		334.00						334.00
R.W. Vandergrift, Jr	9/16	9/20	Germany		617.25		4,572.77		164.84		5,354.86
Committee total					14,051.75		54,708.70		1,003.28		69,763.73

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

C.W. BILL YOUNG, Chairman, Oct. 24, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LAMAR SMITH, Chairman, Oct. 18, 2000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10745. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Termination of Designation of the State of North Dakota with Respect to the Inspection of Meat and Meat Food Products [Docket No. 00–038F] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10746. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Amendments to the Regulations for Cotton Warehouses Regarding the Delivery of Stored Cotton (RIN: 0560–AF13) received October 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10747. A letter from the Under Secretary, Rural Development, Department of Agriculture, transmitting the Department's final rule—Business and Industry Guaranteed Loan Program—Domestic Lamb Industry Adjustment Assistance Program Set Aside (RIN: 0570–AA31) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10748. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Grants and Milan, New Mexico) [Docket No. 99–75; RM–9446] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10749. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule— Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Pearsall, Texas) [Docket No. 00–26 RM–9822] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10750. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Urbana, Illinois) [Docket No. 00–76 RM–9809] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10751. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (THOMASville, Georgia) [Docket No. 00–98 RM–9811] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10752. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—New Dosimetry Technology (RIN: 3150–AG21) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10753. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Israel [Transmittal No. DTC 124–00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10754. A letter from the Independent Counsel, Office of Independent Counsel, transmitting the report from Independent Counsel, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10755. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30209; Amdt. No. 425] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10756. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30206; Amdt. No. 2014] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10757. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30207; Amdt. No. 2015] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10758. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model

CL–600–2B19 Series Airplanes [Docket No. 2000–NM–312–AD; Amendment 39–11928; AD 2000–20–03 R1] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10759. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120, EMB–120ER, and EMB–120RT Series Airplanes [Docket No. 2000–NM–122–AD; Amendment 39–11908; AD 2000–19–07] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10760. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS–350B, BA, B1, B2, B3, C, D, and D1, and AS–355E, F, F1, F2 and N Helicopters [Docket No. 2000–SW–25–AD; Amendment 39–11931; AD 2000–20–19] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10761. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Models 1900, 1900C, and 1900D Airplanes [Docket No. 2000–CE–29–AD; Amendment 39–11918; AD 2000–20–07 (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10762. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; DG Flugzeugbau GmbH Model DG–800B Sailplanes [Docket No. 99–CE–90–AD; Amendment 39–11921; AD 2000–20–10] (RIN 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10763. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; LET Aeronautical Works Model L–13 ''Blanik'' Sailplanes [Docket No. 99–CE–91–AD; Amendment 39–11922; AD 2000–20–11] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10764. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; British Aerospace HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes [Docket No. 2000–CE–12–AD; Amendment 39–11924; AD 2000–20–13] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10765. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Models A36 and B36TC Airplanes [Docket No. 2000–CE–15–AD; Amendment 39–11925; AD 2000–20–14] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10766. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Aerotechnik s.r.o. Model L 13 SEH VIVAT Sailplanes [Docket No. 2000–CE 01–AD; Amendment 39–11923; AD 2000–20–12] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10767. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes [Docket No. 99–NM–356–AD; Amendment 39–11916; AD 2000–20–05] (RIN: 2120–AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4144. A bill to provide for the allocation of interest accruing to the Abandoned Mine Reclamation Fund, and for other purposes, with an amendment; referred to the Committee on The Budget for a period ending not later than October 28, 2000, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X (Rept. 106–1014, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KNOLLENBERG:

H.R. 5586. A bill to authorize the negotiation of a Free Trade Agreement with the Republic of Singapore, and to provide for expedited congressional consideration of such an agreement; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KNOLLENBERG:

H.R. 5587. A bill to amend the United States Enrichment Corporation Privatization Act to prevent the untimely sale of uranium hexaflouride; to the Committee on Commerce.

By Mr. ARCHER:

H.R. 5588. A bill to establish the Government Program Evaluation Commission; to the Committee on Government Reform.

By Mr. COX (for himself, Mr. RADANOVICH, Mrs. BONO, Mr. BILBRAY, Mr. ROHRABACHER, Mr. GARY MILLER of California, and Mr. HUTCHINSON):

H.R. 5589. A bill to facilitate the cleanup of environmental degradation caused in the manufacture of methamphetamine and to combat illegal drug use by imposing new monetary fines on the manufacture and trafficking of methamphetamines; to the Committee on Commerce.

By Mr. FOSSELLA:

H.R. 5590. A bill to amend certain provisions of title 5, United States Code, relating to disability annuities for law enforcement officers, firefighters, and members of the Capitol Police; to the Committee on Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH:

H.R. 5591. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish the authority of officers and employees of the Department of Health and Human Services to issue detention orders regarding food in any case in which there is a reasonable belief that the food is in violation of such Act, and for other purposes; to the Committee on Commerce.

By Mrs. MALONEY of New York:

H.R. 5592. A bill to amend the Child Nutrition Act of 1966 to provide vouchers for the purchase of educational books for infants and children participating in the special supplemental nutrition program for women, infants, and children under that Act; to the Committee on Education and the Workforce.

By Mr. PORTMAN (for himself and Mr. CONDIT):

H.R. 5593. A bill to establish a Bipartisan Commission on Social Security Reform; to the Committee on Ways and Means.

By Mr. RADANOVICH:

H.R. 5594. A bill to amend the Endangered Species Act of 1973 to exempt the Woodrow Wilson Bridge project from certain provisions of that Act and allow the bridge and activities elsewhere to proceed in compliance with that Act, and for other purposes; to the Committee on Resources.

By Mr. RODRIGUEZ (for himself, Ms. ROYBAL-ALLARD, Mr. PASTOR, Mr. ROMERO-BARCELO, Mr. UNDERWOOD, Mr. REYES, and Mrs. NAPOLITANO):

H.R. 5595. A bill to provide for programs regarding the health of Hispanic individuals, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW:

H.R. 5596. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election for Federal office, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-McDONALD:

H.R. 5597. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for internships and fellowships related to information technology; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H. Res. 657. A resolution directing the Speaker to certify the report of the Committee on Resources to the United States Attorney for the District of Columbia; considered and withdrawn.

By Mr. SMITH of New Jersey (for himself, Ms. ROS-LEHTINEN, Mr. LANTOS, Mr. ROHRABACHER, Mr. ROYCE, Mr. ABERCROMBIE, and Mr. WEXLER):

H. Res. 658. A resolution expressing the sense of the House of Representatives with respect to Dato Seri Anwar Ibrahim; to the Committee on International Relations.

By Mr. CROWLEY (for himself, Mr. WYNN, Mr. TOWNS, Mr. ROHRABACHER, Mr. WEXLER, Mr. GREEN of Texas, Mr. SESSIONS, Mr. SMITH of New Jersey, Mr. CUNNINGHAM, Mr. LAMPSON, Mr. ANDREWS, Mr. DAVIS of Florida, Ms. ESHOO, Mr. CHABOT, Mr. DEUTSCH, Mr. BROWN of Ohio, Mr. JEFFERSON, Ms. PELOSI, Mr. SOUDER, Mr. DIAZ-BALART, Mr. HINCHEY, Mr. BERMAN, Mr. ACKERMAN, and Mr. WU):

H. Res. 659. A resolution expressing the sense of the House of Representatives that the future of Taiwan should be resolved peacefully through a democratic mechanism and with the express consent of the people of Taiwan; to the Committee on International Relations.

By Ms. LEE (for herself, Mr. PAYNE, Mr. GEJDENSON, Ms. WATERS, Ms. MILLENDER-MCDONALD, and Ms. JACKSON-LEE of Texas):

H. Res. 660. A resolution to commend President Clinton for supporting the efforts of former South African President Nelson Mandela to bring peace to Burundi; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. REYNOLDS:

H.R. 5598. A bill for the relief of Barbara Makuch; to the Committee on the Judiciary.

By Mr. REYNOLDS:

H.R. 5599. A bill for the relief of Eugene Makuch; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 920: Mr. DELAHUNT.

H.R. 1048: Mr. GEORGE MILLER of California.

H.R. 1217: Mr. LUTHER, Mr. BARTLETT of Maryland, and Mr. GEKAS.

H.R. 1239: Mr. THOMPSON of Mississippi, Mr. SCOTT, Mr. VISCLOSKY, and Mr. FRELINGHUYSEN.

H.R. 1310: Mr. ENGLISH, Mr. DUNCAN, and Mr. TOWNS.

H.R. 2457: Mr. ROTHMAN and Ms. ROS-LEHTINEN.

H.R. 2584: Mr. PORTER.

H.R. 3610: Mr. ALLEN.

H.R. 4076: Mr. GOODLATTE.

H.R. 4213: Mr. SIMPSON.

H.R. 4277: Mr. SHIMKUS.

H.R. 4571: Mrs. CAPPS, Mrs. MALONEY of New York, Mrs. KELLY, Mr. PAYNE, and Mr. ETHERIDGE.

H.R. 4825: Mr. MCINTYRE.

H.R. 4857: Ms. ROYBAL-ALLARD.

H.R. 4949: Mr. RODRIGUEZ.

H.R. 5027: Mr. FOLEY and Mr. COLLINS.

H.R. 5345: Ms. SCHAKOWSKY.

H.R. 5447: Mr. LATOURETTE, Mr. GILLMOR, and Mr. ROGAN.

H.R. 5479: Mr. KUCINICH.

H.R. 5522: Mr. FROST.

H.R. 5537: Ms. NORTON and Mr. DELAY.

H.R. 5540: Mr. DINGELL.

H.J. Res. 48: Mr. BERRY.

H.J. Res. 107: Mr. GEORGE MILLER of California.

H. Con. Res. 337: Mr. CANADY of Florida, Mr. WALSH, and Mr. GARY MILLER of California.